

THE BRITISH AND FOREIGN ANTI-SLAVERY REPORTER;

UNDER THE SANCTION OF THE BRITISH AND FOREIGN ANTI-SLAVERY SOCIETY.

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Advertisements.

ANTI-SLAVERY EXHIBITION, EGYPTIAN HALL, PICCADILLY.

The managers of this exhibition having determined to allow the children of the Metropolitan Sabbath and Day Schools to visit it free of expense, the conductors of such schools as desire to accept of this privilege, are requested to make application to Mr. J. Soul, at 27, New Broad-street, stating the name of the school, the day on which the order is required, and the number of children and teachers who will attend; when an order will be forwarded. As the exhibition will shortly close, the sooner the applications are made the better.

This day is published, in One Volume, 8vo., Price Fourteen Shillings.

PROCEEDINGS OF THE GENERAL ANTI-SLAVERY CONVENTION, held in London in June, 1840.

London: British and Foreign Anti-slavery Society, 27, New Broad Street; Ward and Co., and Hamilton, Adams, and Co., Paternoster Row; and J. L. Porter, Sloane Street, Chelsea; Birmingham, J. W. Showell; Liverpool, Marples; Dublin, Curry, Jun., and Co.; Edinburgh, Oliphant and Son; Glasgow, W. Collins; Norwich, Jarrold and Son; Newcastle-on-Tyne, James Finlay.

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THE HISTORY OF THE REPUBLIC OF TEXAS, FROM THE DISCOVERY OF THE COUNTRY UP TO THE PRESENT TIME; and the cause of her separation from the republic of Mexico: with a description of the soil, climate, general resources, manners, habits, customs and institutions of the original and present inhabitants; including the Whites, Indians, and Negroes. With a Map, showing the boundary of Texas proper, Texas as claimed by the Texans, and the exact extent of territory now in their possession; tables of roads, distances, &c. &c. By N. DORAN MAILLARD.

Subscribers' names received by the publishers, SMITH, ELDER, AND CO., 65, Cornhill.

This day is published,

THE SECOND ANNUAL REPORT OF THE BRITISH AND FOREIGN ANTI-SLAVERY SOCIETY for the abolition of slavery and the slave-trade throughout the world; presented to the general meeting held in Exeter Hall, on Friday, May 14th, 1841. With an Appendix, List of Contributions, &c. &c. &c.

London:—Printed for the Society, and may be had at their office, 27, New Broad Street; and of Thomas Ward and Co., 27, Paternoster Row.

Price One Shilling and Sixpence to Non-Subscribers.

PETITION TO PARLIAMENT OF THE COMMITTEE OF THE BRITISH AND FOREIGN ANTI-SLAVERY SOCIETY.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble petition of the Committee of the British and Foreign Anti-Slavery Society, Sheweth,

That, whilst your petitioners sincerely rejoice in the fact that the African slave-trade has been declared piracy by the legislature of this country, and that the law of the land denounces every British subject directly or indirectly engaged therein as a felon, and subjects him, on conviction, to the ignominious punishment of a felon; they deeply lament that not a few of their opulent countrymen, occupying influential positions in society as manufacturers and merchants, as officers in her Majesty's army and navy, and as civil functionaries, are well known to have been guilty of this flagrant crime, either personally or by their agents, unawed by the fear of God or of man, and still persist in the same unaffected by the cruel sufferings and degradation they inflict on humanity, and uninfluenced by the requirements and denunciations of law, whether human or divine.

That your petitioners would call the attention of your right honourable house to the fact, that there have been formed, at different periods during the last fifteen years, various mining companies in this country, with large capitals at their disposal, who carry on their operations in the empire of Brazil, or in the Spanish island of Cuba; that their mines are worked principally by slaves purchased by the agents of those companies; that the greater part, if not the whole, of these victims of oppression have been illicitly imported into these countries since the period when such importation was declared on traband, felonious, or piratical; and that as your petitioners are informed and believe these companies still continue to purchase newly imported Africans, to supply the wastes of mortality, or to meet the other exigencies of their establishments.

That your petitioners lament to say that officers of her Majesty's army and navy, as well as functionaries in the civil service, have accepted engagements in connexion with these companies; and that they are informed and believe that such persons have been the agents employed in the purchase of slaves on account of the same.

That your petitioners call the attention of your right honourable house to the fact, that banking companies, with large funds at their disposal, have also been formed in this country; and that they either have already formed, or are in process of forming branch establishments in countries where the slave-trade is carried on, or where slavery in all its horrors still exists.

That your petitioners grieve to say that there are manufactured in this country, in enormous quantities, articles known by the name of *coast goods*, which are employed exclusively in the African slave-trade, in barter for human beings; and that these form a considerable branch of the export trade of this country to Brazil and Cuba, and to the western coast of Africa.

That the consignees of British merchants and manufactures, or branch houses of their establishments in Brazil and Cuba, dispose of such goods to persons well known as traffickers in human beings; that they not unfrequently have, if not a direct, yet an indirect interest, by conditional arrangements, in the guilty traffic itself; and that in all cases they vend such goods, well knowing the disgraceful and inhuman object to which they are to be applied.

That your petitioners are informed and fully believe, that fetters and shackles employed in the slave-trade, or in the punishment and torture of slaves, form part of the export trade of this country to Brazil and Cuba.

That your petitioners have grounds for knowing that vessels have been built in this country specially for the slave-trade, and they have reason to fear, that many have been covertly prepared for that nefarious traffic in British harbours.

That your petitioners deeply regret to add, that British subjects have become the purchasers of estates in Brazil and the Spanish colonies, which they work by slaves and which they have stocked, either wholly or in part, with newly imported Africans, thus giving the benefit of their wealth, skill, and enterprise to the maintenance of these enormous evils.

It will thus be seen by your right honourable house, that British subjects, instigated by the sordid love of gain, to the great dishonour of their country, and in defiance of its laws, are, either directly or indirectly, among the chief props and supports of the

African slave-trade; that they supply capital or the means of carrying it on to a fearful extent, reckless of the miseries which they inflict on the human race, the insult they offer to the Most High; and the evil example they set to others: that they obstruct the consummation of that great work to which the legislature, the government, and the people of this country have so nobly devoted themselves, and to secure which they have spent millions of the national treasure; that they offer the chief impediment to a peaceful, legitimate, and lucrative commerce with Africa; that they prevent the civilization and religious improvement of its people; and that they render the expensive armaments which are kept up on the coasts of Africa, Cuba, and Brazil, the means of increasing the horrors, without diminishing the extent of the slave-trade.

Your petitioners, therefore, earnestly implore your right honourable house, either to extend the provisions of the act, 5th Geo. IV. cap. 113, commonly called the Consolidated Slave-trade Abolition Act of 1824, so as effectually to prevent British subjects from holding and purchasing slaves in foreign countries, under any pretences whatsoever, and to bring to speedy and condign punishment those of them who have hitherto violated with impunity the existing laws; or to appoint a committee of your right honourable house to inquire forthwith into the facts alleged by your petitioners, whose duty it shall be to report to your right honourable house such measures as may be deemed requisite to suppress effectually the guilty practices referred to.

And your petitioners will ever pray, &c.

(Signed) JOHN WOODWARK, Chairman of the Committee.

DEPUTATION OF THE ANTI-SLAVERY COMMITTEE TO THE EARL OF RIPON.

ON Monday last a deputation of the Anti-slavery Committee, consisting of the following gentlemen—Messrs. W. Allen, S. Allen, G. W. Alexander, J. Beaumont, R. Forster, S. Lucas, J. Scoble, G. Stacey, H. Sterry, and H. Tuckett, waited on the Earl of Ripon, as president of the Board of Trade. They were very courteously received, and presented to his lordship a memorial, of which the following is a copy.

To the Right Honourable the Earl of Ripon, President of the Board of Trade, &c., &c., &c.

MY LORD,—In the prosecution of the great object which the Committee of the British and Foreign Anti-Slavery Society have in view, namely, the universal abolition of slavery and the slave-trade, by means which are purely of a moral, religious, and pacific nature, they felt it to be their solemn duty to oppose the measure of the late government for the reduction in the duties on foreign sugars, so far as it affected those which were clearly raised by the labour of slaves, on the ground that they believed the inevitable tendency of such reduction would be immediately to extend the slave-trade, and to aggravate and prolong its unutterable horrors, while at the same time it would render the condition of slaves already in bondage more grievous and intolerable than ever. On the same principle, and governed by the same motives, the committee feel it to be their duty respectfully to approach the present government, through your lordship, as the president of the board of trade, with their earnest request that the produce of the tropics raised by free-labour, come from what country it may, may be placed on such a footing in relation to the productions of the British Colonies, as shall enable it to come immediately into fair and full competition with the same.

In further developing their views, the committee beg permission to suggest to your lordship, whether it would not be greatly to the advantage of the revenue to reduce the present duty on sugars, and other produce, raised in the British possessions in the East and West Indies. Such a measure, combined with an equalization of the duties on foreign tropical productions of a similar kind raised by freemen, the committee believe would have the further advantage of greatly increasing the comforts of the poor of the land, of leading to a rapid development of the resources of the British colonies and plantations abroad, and of opening new and extensive markets for British manufactures, whilst it would strike a heavy blow at the atrocious system of slavery, and consequently, at the slave-trade, wherever it obtains, and would operate, both as an economical and a moral argument, in favour of the universal abolition of slavery and the slave-trade.

The committee would still further venture to suggest to your lordship the propriety of removing the remaining restrictions on West India commerce, so as to enable the planters and merchants of our own free colonies successfully to compete with the foreign growers of sugar by slave-labour in the continental markets; and so as to admit of the complete equalization of the duties on tropical productions, whether of our own or of other countries, grown exclusively by free labour.

Coupled with a wise and judicious scheme of immigration into the emancipated colonies, which, on the one hand, shall throw open the labour market to fair and honourable competition, and on the other, shall guard against the abuses which have hitherto unhappily marked the course of colonial experiments in this way, and shall be exclusively under the direction of the government, the measures which the committee have ventured to suggest to your lordship, will, they believe, in their combination, be one in the great order of means for securing the liberty of millions now held in bondage, for terminating the slave-trade, for greatly increasing the prosperity of this country, and for advancing the cause of

universal justice and benevolence, of civilization and religion, of freedom and peace throughout the world.

Signed by order of the Committee,

WILLIAM ALLEN, Chairman.

27, New Broad Street, Sept. 10th, 1841.

THE BREMEN SLAVER.

[From the *Morning Herald*.]

THE Court of Commerce in Hamburg has decided with reference to the merchant ship *Louisa* (seized by the British cruiser *Grecian*, Captain Smythe, on suspicion of slave traffic), that she was neither engaged in the slave-trade nor fitted out for that purpose, and that, consequently, she did not fall within the cases supposed by the conventions between France and Great Britain, to which Hamburg acceded by the treaty of June, 1837. Thus the motion for confiscation of the vessel naturally fell to the ground; but the court, in its decision, expressly says, that, even though the vessel had been convicted of slave traffic, confiscation could not have been decreed, there being no such punishment provided by the treaty of accession of June, 1837, and the law of June, 1841, not being applicable in a retroactive sense. The condemnation of the ship and her cargo contended for by the government advocate was therefore refused, as was also the claim of the defendants' counsel for compensation against the captor. This latter motion was refused on the ground furnished by articles 6 and 7 of the convention. Article 6 provides, that any vessel may be seized on suspicion of slave traffic on board of which certain specified articles shall be found. Among these are "spare planks, either actually fitted in that shape, or fit for readily laying a second or moveable deck, or slave deck." "Two or more copper boilers, or even one evidently larger than requisite for the use of her crew as a merchant vessel." "Rice or farina, flour of the manioc of Brazil, or cassada, or maize, or Indian corn, beyond any probable requisite provision for the use of the crew." "Having on board an unreasonable number of water-casks, or other vessels for holding water." Now these articles were found on board of the *Louisa*, which, together with the destruction of the papers, furnished *prima facie* evidence against her. And article 7 of the convention expressly declares that "no compensation shall in any case be granted, either to the master or the owner, or to any other person interested in the equipment or lading of a merchant vessel in which any of the particulars specified in the preceding article shall be found, even if the tribunal shall not pronounce any condemnation in consequence of her detention."

Conformably to these two articles of the convention, the court, though acquitting the *Louisa* of slave-trading, and of being fitted out for that trade, decided that no compensation could be claimed, owing to the *prima facie* evidence furnished by the articles found on board the vessel when captured. The costs of the inquiry are to be paid by the proprietors of the *Louisa*; and the captain, with the first and second mate, are released by the court from the confinement in which they had been held while the trial was pending.

The substance of this decision, as far as we can understand it (for the pleadings which would throw light on the subject are not permitted to be published under the Hamburg censorship), would appear to be that no Hamburg vessel will be sentenced as engaged in the slave traffic, or fitted out for the purposes thereof, unless slaves are actually found on board. And even in that case the infliction of the extreme punishment of confiscation is scarcely to be looked for, the only law under which it could be inflicted, that of June, 1841, being far from explicit, and affording ample scope for the quibbling capabilities of any advocate or judge who may wish to evade it. We do not mean to say that there is a disposition on the part of the Hamburg authorities to screen the slave-trader; but we must declare that it is impossible to discover any clear and resolute determination to put down the disgraceful traffic which France and England have openly and honourably combined to suppress. Indeed, we are extremely sorry to be obliged to add, that not a few among the Hamburg merchants are so narrow-minded as to insinuate, nay, openly to declare, that England has a sinister motive in endeavouring to abolish the traffic in slaves, in order that no other country may enjoy the profits of slave-labour which she herself has relinquished. This is either a despicable slander or a pitiable delusion, and, without condescending to refute it, we leave it to be disposed of by every candid and generous mind capable of estimating the vast and disinterested sacrifices which England has made in this matter so interesting to humanity; and also the frank and noble emulation which causes France and Great Britain to vie with each other, for the attainment of an object worthy of the efforts of two nations standing at the head of European civilization.

The case of the alleged slaver, the *Louisa*, to which we yesterday referred, is not the only circumstance which causes England to cast suspicious glances at Germany with reference to the slave-trade. The decision of the Hamburg tribunal will neither convince the public of the purity of the vessel in question, nor will it satisfy the scruples of law or diplomacy. We, however, pass over its further consideration to allude to very painful rumours; we do not state them as facts, but as allegations which demand explanation and refutation.

It is then alleged that, within the course of the present summer, several ships have been fitted out in German ports, with all the apparatus, instruments, and accommodation necessary to a slaving expedition; that the mariners engaged for these vessels have been

shipped in ignorance of their voyage, or precise destination; that medical men have been employed at very high salaries, under the bonds of the strictest secrecy: and that an unusual veil of caution has been thrown around every thing belonging to or connected with this fleet. It is some months since these alleged circumstances were first in circulation here; the vessels referred to have subsequently sailed, as is stated, with a view to colonise an island on the western coast of Africa; but, on a full explanation of all the suspicions entertained in reference to them, the admiralty, at the instance of Lord Palmerston, a few weeks before the late administration left office, despatched, we are informed, orders to the British cruisers on that coast to closely watch their proceedings. Within the last few days letters have been received from Germany, which do not lessen but increase the fears at first suggested by the fitting out of these ships, and the latest arrival from Brazil brought a reference to their departure from Germany, and a recommendation to the Brazilian planters and traders not to lose sight of the expedition.

We have thought it our duty to bring these alleged facts thus formally before the public, in order that they may receive either confirmation or refutation from those who have the means to do either. We have no wish to pre-judge the matter, and await that explanation which is due to humanity.

Before leaving the subject, we hazard a few observations on the general subject of the slave-trade. If our sugar colonies are ever again to compete with Cuba or Brazil, the slave-trade must first be suppressed, and Trinidad, Guiana, the Mauritius, and Ceylon fully supplied with labour. Thus far England is obnoxious to the charge, so frequently brought against her on the continent, of pursuing interested views in her attempts to terminate this foulest of human crimes; but it is a charge in which she may well glory, for, in the accomplishment of these so-called selfish efforts, the future civilization and prosperity of all Africa is involved. The interests of England, and of deeply-wronged Africa, are identical; christianity itself urges on their closer association.

The present position of England with countries whose subjects are engaged in the slave-trade cannot be much longer endured. Upwards of thirty years ago England abolished the slave-trade; since that period, Europeans have torn from Africa, it is calculated, 3,500,000 human beings, one-third of whom have been landed in foreign possessions—upwards of 300,000 have been destroyed in the passage—and the remainder have been captured and liberated, at an expense to this country greatly exceeding twenty millions sterling. The slave-trade is, at the expiration of thirty years, admitted to be increasing, instead of being diminished; and the productions of Cuba and Brazil have, in consequence, more than quintupled, while the exports of the tropical colonies of this country have been gradually declining. Are we then wrong in asserting, that the present position of this country relative to the slave-trade is unendurable?

The slave-trade is the only subject on which treaties between nations are treated as waste paper; and this treatment is, after all, at the bottom of the extension of this accursed traffic. At no trifling pecuniary cost, by the exertions of the foremost of our statesmen, and at great occasional sacrifices of national interests, England has procured from Spain, Portugal, and Brazil, treaties for the suppression of the slave-trade, the solemn engagements of which have been set at naught. The slightest infringement of diplomatic stipulations on other matters leads to energetic remonstrances; if they fail, to the withdrawal of intercourse, to war, and to blockades. But on this single point, in which all humanity is concerned, and by the continual commission of crime in relation to which all humanity is degraded, treaty right is worthless, and solemn engagements are only words. But this permitted disregard of slave-trading treaties inflicts a deep injury on our national honour; for, to accustom a nation to acts which are dishonourable, or in defiance of its acknowledged rights, is to lower at once its institutions, power, and character, and thereby to diminish the value of its possessions, and ultimately endanger its existence. Every consideration then, of national interest and policy—of humanity and of christianity—imperatively forces on England the duty of demanding the fulfilment, to the letter, from Spain, Portugal, and Brazil, of their slave treaties.

In such a demand there is nothing unreasonable. Since the British legislature abolished the slave-trade so far as the United Kingdom was concerned, it has been beyond the power of calumny or foreign rivalry to allege that her sugar colonies have increased their population at the cost of Africa. An internal colonial police gave vitality to the act for the abolition of the slave-trade, and effectually prevented the importation of slaves. What England did it is in the power of Spain and Brazil to accomplish; both nations could, by the aid of police, restrain and put an end to slave importations and so fulfil their engagements with this country.

A knowledge that the means of suppressing their share of the desolating slave-trade is so readily at the hands of the Spanish and the Brazilian governments, and is so simple in its nature, and so efficacious if directed with energy and honesty, and the additional knowledge that the police which England has for so many years employed on the African coasts is quite inadequate or inefficacious—a knowledge of these facts, we assert, augments the obligation which this country owes to herself and to mankind, to insist on the literal fulfilment of slave-treaties, and to enforce that fulfilment, when necessary, by those means which the law of nations sanctions. Let England only announce to Brazil and Spain, that every slave imported into the empire or its colony gives to

her a *casus belli*, and that, if their governments will not by internal means prevent the introduction of slaves, she will by external force—that is by means of efficient blockades—and the slave-trade will swiftly disappear from its first position in the catalogue of human crimes, and no longer desolate and distract unhappy Africa.

We are no advocates for hostilities between nations. We are devoted to the interests of peace; but, while war has so frequently afflicted mankind for “mean ambition or the pride of kings,” we should be neither ashamed or afraid of one war in the history of humanity for the sake of civilization and christianity. But, in truth, the course we urge is altogether peaceful. There can be no war between Great Britain and either Spain or Brazil; the contest is too unequal to be apprehended; all that is required is a little firmness and decision, and a determination not to be trifled with, and Spain and Brazil will cease to be partakers in the guilt they now encourage. As to Portugal, her refusal to accord to Great Britain the stipulations known as the equipment clauses—though somewhat justified by the unprecedented and disgraceful conduct of Lord Howard de Walden—deprives her of any leniency in the measures to be adopted by this country for the suppression of her share in the horrible trade for the engagement of her subjects in which she has not the poor excuse of the great temptation of a sugar colony, or any rich tropical possessions. And for our own parts, we should witness with pleasure the sinking of every Portuguese slaver by the thunder of British artillery, and the deprivation of the Portuguese crown of all her miserable ports and islands on either coast of Africa.

BRITISH GUIANA:—IMMIGRATION.

It would appear from the following article, which we extract from the *Guiana Gazette* (the official paper of the colony) that the distribution by governor Light of the emigrants lately arrived from Sierra Leone, has caused much discontent among certain of the planters, who think themselves injured by having been overlooked by his Excellency. While we certainly feel pleased that the executive keeps a watchful eye on the working of the new scheme of immigration, we trust it will never be made a pretext for the indulgence of favouritism, or a means of increasing the personal and political influence of the governor. We are quite satisfied that the East is decidedly preferable to the West coast for newly imported labourers, until they are acclimated; and, provided recommendation do not assume the character of dictation, and be purely meant (as it ought to be) for the general good of the immigrants and the colony, it is not only wise, but kind, on the part of the authorities to point out to the uninformed stranger, not only the healthiest spots in the colony, but where they may obtain the best accommodations, the best wages, and the best masters. Let this be done “without partiality and without hypocrisy,” and British Guiana may yet redeem its character. We merely add, that the abolitionists, as well as the government of this country, keep a watchful eye on the “whole business of immigration,” not for the purpose of retarding its progress when conducted on right principles and for honourable purposes; but to guard it against those abuses to which it would infallibly lead, were it left in the hands of the present race of planters. We say not this from prejudice—we would speak well of them if we could; but we know that the greatest enemies of immigration are to be found not in England, but in the colonies, as facts abundantly testify.

It would appear that some planters who have not been successful in obtaining the services of any of the immigrants now daily arriving in the colony, are inclined to call in question the propriety and justice of the advice given to the immigrants, or said to be given to them, by the agent-general under the directions of the governor.

The whole object of the appointment of an agent-general is to secure the immigrants against imposition, and to see that proper precautions are taken by themselves, and that proper provision is made by their employers, to secure them as far as practicable against the effects of the climate.

Apart from any considerations of humanity, it is evident that these precautions are founded in the most ordinary policy. The immigrants are brought here at a heavy expense to the colony; and, if they are placed in unhealthy situations, or are unprovided with proper lodgings, and are taken sick and die in consequence, not to mention the loss of life, there is just so much colonial money thrown away. This is an argument, we should imagine, which even those who make no pretensions to sentiment might be able to comprehend.

Again, a great degree of sickness and mortality among the immigrants is certain to put a stop to the influx of labourers, not only by discouraging those who, otherwise, might be inclined to come, but by provoking the interference of the government at home, which, as is well known, watches this whole business of immigration with a very jealous eye.

Now, it is generally agreed that some parts of the colony are much more healthy than other parts of it. This is a fact which the immigrants are entitled to be informed of. It is also highly desirable that they should avail themselves of it, and should pass the period of seasoning in situations the most favourable to health. That this arrangement should not be very agreeable to the owners of plantations in unhealthy situations, that they should be very unwilling to confess to the fact of unhealthiness, and that some among them should be ready to sacrifice the lives of the immigrants, and the money of the colony expended in bringing them hither, for the chance of making a few additional hogsheads of sugar, is according to the ordinary course of things.

It is, however, to be hoped that the clamour of these interested parties will not deter the governor and the agent-general from a faithful discharge of their duties towards the immigrants and the colony. We have had experience enough already to know that nothing but the most watchful attention, and the most strict and unyielding adherence to the

rules established for the protection of the immigrants, can secure us against abuses which would cast disgrace upon the colony, and would bring the whole scheme of (obtaining a supply of labour by immigration to a premature and unfortunate termination.

It is astonishing how differently things appear to the eyes and understanding of parties interested, and to those of indifferent persons. The proprietor himself being sole judge in the matter, we will venture to say that there are very few estates in the colony which are not most abundantly supplied with first-rate cottages, and possessed of an atmosphere the most salubrious. It is the bounden duty of the governor and the agent-general to prevent the immigrants being sacrificed to these hallucinations.

SLAVERY AND THE SLAVE TRADE IN BRITISH INDIA.

(From the *London Journal of Commerce*.)

A LITTLE work under the above title, emanating from the Anti-Slavery Society, has been laid before us; and, as the subject which it embraces is not only one of great interest in itself, but is likely ere long to excite considerable discussion both within and without the walls of parliament, we shall take the present opportunity of placing the question before our readers as fairly and intelligibly as our materials will enable us.

Perhaps no question ever came before the public upon which authorities, unimpeachable on both sides for integrity of motive, differ so widely. "Turning," says Mr. Colebrooke, "from law to practice, we find domestic slavery very general (in India) amongst Hindoos and Mussulmans. More trusty than hired servants, slaves are almost exclusively employed in the interior of the house for attendance on the members of the family, and in all the most confidential services. Every opulent person, every one raised above the condition of the simplest mediocrity, is provided with household slaves; and from this class chiefly are taken the concubines of Mussulmans and Hindoos, in regard to whom it is to be remembered that concubinage is not among people of those religions an immoral state, but a relation which both law and custom recognise without reprehension." Others, on the contrary, represent slavery in India as surpassing in horrors anything that has been recorded of slavery in the west, degrading the male slave literally below the condition of the brute, and debasing the female in a manner too gross even for allusion. The work before us is valuable, as presenting to us a synopsis of these contradictory accounts extracted from parliamentary papers, and enables the eye of the practised reviewer at once to detect the circumstances from which such apparently conflicting statements have originated. In a region so extensive as British India, there are a great diversity of tribes, marked by an equal diversity of customs and habits; and nearly every writer quoted, seems to have fallen into the common error of inferring the condition of the whole from the condition of that particular portion which has been the subject of his study. Thus Mr. Colebrooke, in describing slavery in India as something resembling a patriarchal form of domestic government, draws a picture of it as he found it in Bengal; while his opponents, Messrs. Baber, Græme, Campbell, and others, paint it in all the hideous colours with which prædial slavery shocks the eye of the traveller in Malabar. This is an important point to be remembered with a view to legislating on the subject, for, unless we make due allowance for it, we may enter into a contest as fruitless and absurd as that of the two knights, who tilted at each other to decide whether a shield was black or white, because it presented a black surface to one, and a white surface to the other.

Notwithstanding, however, the infinite variety of shades of slavery in India, there are two conclusions which are not at all effected by the question of the degree in which it may exist—namely, that it would be conferring a social blessing on our Indian possessions to abolish slavery as soon as practicable, of every degree; and that there, as elsewhere, the first effective step must be to abolish the slave-trade itself. In India there is both an external and internal slave-trade; and the measures for their suppression must of course be different—the one depending upon the exercise of a sweeping admiralty jurisdiction, and the other mainly upon the vigilance of an active police.

In 1811, the importation of slaves into Bengal, and its immediate dependencies, was prohibited "for the purpose of traffic;" but the insertion of the words quoted has virtually rendered the regulation a dead letter. When a cargo of slaves were brought into a port, the purpose of bringing them there was palpable enough—but the law would not allow it to be presumed; it must be proved; and the difficulty of doing this, as might have been expected, has been an insuperable one. It is, however, by Bombay and Madras that the external slave-trade is chiefly carried on, through the agency of Arab traders by the Red Sea and the Persian Gulf, who chiefly import children for the gratification of the eastern sensualists from Abyssinia. Sir Robert Grant, it appears, endeavoured, in 1836, "to suppress the inhuman traffic carried on within the limits of the coasting trade of our immediate dependents and tributaries, and almost under our own eyes;" but, finding his authority and influence, alike inadequate, he was compelled to abandon all hope of success, and "leave the question to be settled by the government of India." The supreme government did subsequently take the matter into their consideration, but it does not appear that they came to any practical resolution respecting it. Whether the suppression of the slave-trade from the eastern coast of Africa presents the same difficulties as that by the middle passage in the west, we have no means of judging; but the Indian government certainly do not appear to merit the compliment of having earnestly made the attempt.

The internal slave-trade is chiefly supplied by kidnapping, and by parents selling their children to the more opulent, when, from dearth or famine, they are unable to support them. Kidnapping is usually practised by the Brinjarries (migratory dealers), the Dacoits, and Thugs; and the horrid trade of these wretches can, of course, only be suppressed by an effective police, or by at once declaring a state of slavery illegal. The sale of children by their parents to preserve them from perishing by starvation, is a more delicate subject. That the practice must have a most demoralizing effect upon the people cannot be doubted; but, when life is at stake, every other consideration gives way. The periodical famines which visit India are the root of the evil; and they are an evil of such magnitude, that, independent of the secondary evils which flow from them, they claim all the consideration which the administrative government can bestow upon them, with the view of preventing their recurrence. The power which we have assumed does not leave us in a

position to rest satisfied that India is no worse than we found her, or that she herself is content to remain so. In return for the wealth and influence we derive from her, it is our duty to impart to her, not only the comforts, but the morals of civilization; and, with respect to the slavery by which her social condition is deformed, we can in no case find an apology for not endeavouring to extirpate it. If it is as mild as its apologists contend, then the easier will be our task; and, if it be as oppressive as the other side represent, then the more imperative is our obligation to exert ourselves for its abolition.

THE PROGRESS OF INDIAN COMMERCE.

The progress of Indian Commerce and industry must naturally be watched with much interest in this country, and especially so far as relates to the increase in those products of the soil, or of manufacture, on which most mainly depend the improving capacity of consumption for British produce and manufactures. It is gratifying therefore to find, that, in respect of the production of exchangeable articles, the progress of India is not only steady and prosperous, but really surprising, and all that can be wished. The fact of itself is a sufficient assurance that the trade of that immense region is as yet but in its cradle. The returns of sugar produced and exported exhibit the following satisfactory proportions of increased exports of sugar to Great Britain:—

	Maunds.
Year ending 30th of Jan. 1838	610,679
1839	719,056
1840	787,495
1841	1,912,125

The maund is equal to 82 lbs. The increased production and export between the years 1840 and 1841 alone is therefore, in round numbers, at the prodigious rate of about 150 per cent. The manufacture and exports of rum were as follow, for the same dates:—

	Gallons.
1838	169,804
1839	201,382
1840	491,693
1841	1,205,150

Which shows an almost equal ratio of increase for the last year, as in sugar.—*London Journal of Commerce*.

SLAVE-MARRIAGES: BRITISH INDIA.

In two recent numbers of the *Reporter* we called the attention of our readers to the system of *Thuggee*, in connexion with the atrocious system of slavery which is permitted to exist in British India. The painful details were drawn from parliamentary papers recently published. We now draw from the same source another, and, to us, a new incident in Indian slavery. Under the Mohammedan law, Mr. Colebrooke informs us, in the event of a female slave bearing issue to her master, both she and her offspring are entitled to freedom, if he have not legitimate issue; and under the Hindoo law, the same gentleman tells us, though "a female slave bearing issue to her master does not acquire freedom * * * her issue is free, and ranks with other illegitimæ but acknowledged offspring of her master." In this respect, the Hindoo and Mohammedan law of slavery is superior to the slave codes of christian powers generally. But the followers of the Koran and the Shasters know how to evade the obligations imposed by the laws when they would benefit the slave, as well as those who, in the southern states of the North American republic, profess to follow the Bible, as the following extract from the report of the law commissioners will show:—

There is another evil say, the Commissioners, connected with slavery as it exists in Backergunge, Tipperah, Dacca, Jelalpoore, Mymensingh, Sylhet, Rajshahye, Purneah, Sarun, and parts of Tirhoot, which we must not omit in this enumeration, although we have no specific remedy to propose for its correction—we mean the custom of marrying female slaves to a person called a byakara. Marriage to such a person is called "punwah shadee."

The byakara, who is generally but not always a slave, is the husband of many female slaves, whom he visits in turn, once a month, or once in two months. At each of his marriages he receives a present of four or five rupees from the master of the female; and at each visit to any of his wives he receives food and a small gratuity. Whatever he receives is for his own use, though he be a slave.

The object of this arrangement, according to Mr. Mytton, the magistrate of Sylhet, is that the slave girl may remain in her master's house, and that all her children may belong to him. The same reason for the arrangement is assigned by one of our native witnesses, Brijnath Das Vydia; and he adds what shows still more clearly that it is the master's interest, when he has a female slave and no male slave who is a match for her, to marry her to a byakara. "When two slaves* belonging to different masters intermarry," says this witness, "if there is no special stipulation, the owner of the female loses all his rights, and the children, of course, belong to the owner of the male. He, however, receives no consideration for giving up these; for, in an affair of marriage, who takes a price?" Unless, therefore, the master of a female slave marries her to a byakara, or to a slave of his own, he loses her and her offspring; and, moreover, he cannot, without the imputation of meanness, receive money for the property he thus parts with. This last circumstance seems also to show, that the feeling of the master towards his slave, resembles rather that with which he regards his children, than that with which he regards his horses or bullocks.†

* We must, of course, understand the witness to mean where the male slave is not a byakara. Indeed, according to his evidence, the byakara is generally a freeman.

† The only remark we feel it necessary to make on this conclusion of the commissioners is, that it is utterly at variance with the premises. The feeling with which a Mussulman or Hindoo regards his children is very different from that with which he regards his slaves. The Hindoo regards his female slave as "soil," and both Mohammedan and Hindoo speak of them in the most contemptuous terms.

Two of the judicial authorities seem, from their answers to the questions of the Law Commission, to look upon this kind of marriage in a somewhat different light, and to regard it as a cloak thrown, for the sake of decorum, over an intrigue between the master and his female slave.

Mr. Cheap, judge of Mymensingh, says, in describing this kind of marriage, "It appears to be confined much to this part of India, and, from the pundit's bewusts, would appear not to be authorised by the shasters: but it has the sanction of custom, on which, I believe, all Hindoo law officers place almost equal dependence." He then describes it as "the marrying of female slaves to a person who makes it his occupation to go about, and offer himself as a husband for any slave. This is called a *punwah shadee*. The bridegroom receives a few rupees, sometimes only two, and a cloth. He stays a night after the ceremony is performed, and then departs; and is generally called upon to visit his wife after she has been confined. This nominal marriage (for of its consummation some doubts may be entertained) removes any stigma of reflection that might arise from a female slave being *enceinte*. But, as her being so again would without another visit from her avowed husband, lead to suspicion or scandal, he is again called in, as I have above stated, after her delivery." He thus continues:—"Of the offspring of such marriages the putative father (who is a freeman) may, I believe, claim every alternate child, but it is not often, I believe, that he avails himself of this privilege; for, if he did, and his wives were prolific, he would find it difficult to provide for his numerous family, and paternal feelings cannot have much to do with the matter. He is, in fact, much the same as a Koolin Brahmin, and may form as many marriages, with this difference, that the latter confers an honour on the family where he makes an espousal; and the *punwah-battur* saves the reputation of a slave who may become pregnant, in the household, perhaps, of that very Koolin's wife's family, or of any other wealthy Hindoo."

Mr. Stainforth, magistrate of Backergunge, after mentioning other marriages of slave girls, adds, "Lastly, they are married to *byakaras*, professional bridegrooms, who, receiving three or four rupees, marry scores, cohabit with them for a short time, and quit them after the fashion of the Koolin Brahmins. * * * If the slave becomes pregnant when it could not have been by the *byakara*, he is sought for, and induced by a present to come and cohabit with her for a short time, to divert suspicion of the paternity from resting on the master. If the *byakara* cannot be found, abortion is resorted to, or the woman is turned out." It is to be observed, however, that Mr. Stainforth says, "The profession of a *byakara* obtains among the Musselmans, the birth of a bastard child in whose house is not necessarily discreditable."

The probability seems to be, that the *punwah shadee* was invented for the purpose of keeping female slaves and their offspring in the possession of their masters; but that, being capable of serving as a cloak to the master's licentiousness, it is occasionally put to that use. This view of the subject is confirmed by the evidence of Kashinah Khan, who says, "Sometimes this kind of marriage is intended only as a screen to conceal the intimacy of the master with his female slave."

We have already stated that we have no specific measure to propose on this subject. The Hindoo law permits unlimited polygamy, and it would probably not be prudent to meddle with that institution. But the fact that slavery aggravates, as in this case, the mischiefs of polygamy,* is an additional reason why the termination of slavery should be desired, and if possible, hastened.

Thus far the commissioners. Delicacy forbids the further exposure of this horrid system. We think that our readers will agree with us, that iniquities cluster thick round the system of Indian slavery; and that they will feel it to be their solemn duty to unite in one great effort more, to relieve their country from the guilt and dishonour of sustaining so foul an abomination.

* The great honour which Koolin Brahmin confers upon the families with which he intermarries, has given rise to a custom among that class analogous to that of the *punwah shadee*, but productive probably of much greater evils.

TEXAS.

THE incidental notice of our commercial relations with the Texan republic by Sir Robert Peel, in his speech on Friday night last, leads us to the conclusion, that the treaty into which General Hamilton entered with Lord Palmerston has not been consummated. We trust it has not been, and will not be, while Texas continues to hold slaves, and pursues a policy towards the aboriginal tribes, and the free people of colour, utterly at variance with the commonest dictates of humanity and religion. Not only has the institution of slavery been actually created under its laws, but its perpetuity has been provided for by the same laws. To the United States it looks for a constant supply of human victims for the slave-markets it has opened. It has legalized a slave-trade between that country and its own, and (what may not be generally known) with France also, if her colonists choose to avail themselves of it; for the treaty into which Texas has entered with that power grants her the same privileges as those enjoyed by the United States, and one of these is the free transit of slaves into the republic, and their unrestricted sale when there. We have reason to believe that a similar treaty has been made with Holland. If it be so, we have little doubt that the Dutch planters of Curaçoa, Saba, and St. Eustatius, at least many of them, will carry their slaves thither for sale or location, unless the government interpose its authority to prevent it. The attention of our French and Dutch friends is earnestly desired to this point.

With respect to the Indians found within the limits of Texas, we find it to be the fixed determination of its authorities to exterminate them. Treachery and murder most foul have hitherto characterised their proceedings towards them. They hunt and destroy them like wild beasts, and hesitate no more to kill an Indian than to shoot a dog. And with respect to the free people of colour, the offspring of whites whether with negroes or Indians, a law has been passed, and is now being carried into execution,

for their expulsion from the state or their reduction to slavery. This last point leads us to remark on the treatment which the emancipated negroes of our colonies may expect, should they be induced to resort thither, either for business or any other lawful purpose whatever. Will it be endured that the petty state of Texas shall treat with indignity the free subjects of her Majesty who may go thither as mariners, merchants, or travellers, because they happen to be black or coloured? Ought not any treaty with Texas to be repudiated, which does not contain the most express stipulation on the point, that distinction of colour shall make no exception in the treatment of British subjects by the Texan authorities? We go farther, and say, that no treaty with that republic should ever be signed, which did not contain a stipulation that slavery should be wholly abolished. The present government, we earnestly hope, will not lose sight of these points. It is for Great Britain to show, by the consistency of all her acts with foreign powers, that no hopes of commercial advantage or political aggrandisement will ever lead her to compromise the liberty and happiness of any part of the human family.

The news has reached this country, that Mexico has rejected with indignation the proposal of the Texan envoy for the recognition of the independence of the Texan republic, though backed by all the influence of Great Britain, and by a guarantee that one million dollars of the debt owing from that country to this would be borne by Texas, in the event of its being done; and it is by no means certain that Mexican troops may not once more attempt, by force of arms, to regain the territory which has been lost. At the present moment, Texas is as bankrupt in its treasury as it is in its character. Before the recognition of its independence by this country, its dollar notes circulated for the value of ten cents only. That circumstance raised their value to fifteen cents; but they are now, we are informed, receding to the former amount. We earnestly caution our countrymen not to be duped by the glowing statements of Mr. Kennedy as to the extent and wealth of Texas, nor by the diplomatic skill of General Hamilton, nor by the promised advantages held out by the Texan land companies established in this country. All will be found hollow and unsubstantial. Those who may adventure their property, or risk their persons, in speculations which promise such golden returns, will be miserably deceived, and rue the day they placed confidence in Texan faith. The republic was founded in fraud and violence, and can only be sustained by them.

UNITED STATES: THE SLAVE QUESTION.

[From the *New York Journal of Commerce*.]

It is neither the veto—deeply as we deplore it, and unsound as we believe its doctrines—nor yet the loss of the bankrupt law, that presents the most important subject for contemplation at the national capital. There is a question arising of far higher moment to the interests and durability of this Union, to which we would invoke the public attention, and especially that of our southern political friends at Washington, ere it be too late.

It is not permitted us to know precisely what transpires in the executive sittings of the senate, until the injunction of secrecy is removed by the senate itself. Still, the veil is occasionally lifted in part, so that glimpses of what is going on are allowed to be caught. By this means it is no longer a secret that opposition has arisen to the nomination of the Hon. Edward Everett, as minister to England; to General James Wilson, as surveyor-general of Iowa; and to the Hon. Joel Eastman, of New Hampshire, for a local office in that state, on the ground of the abstract opinions entertained by those gentlemen, or supposed to be entertained, touching the institution of slavery. And in this course, it is reported, the whig senators from the slave-holding states have joined the opposition; so that, by a majority of two, the nomination of Mr. Everett has been laid upon the table, with a view to its being withdrawn by the president!

It is not pretended, we believe, that these gentlemen are abolitionists, in the modern offensive sense of the word. Indeed, Mr. Everett lost his election, as governor of Massachusetts, two years ago, because he would not subscribe to the dogmas of that faction. But, even if they were, that fact could form no sound objection to their appointment to the stations to which they have been nominated by the president. As American citizens of unblemished reputation—of high moral and intellectual worth—they would, nevertheless, be entitled to all the rights and privileges of citizens; and, so soon as a demonstration is made in the senate of the Union, for their disfranchisement on that ground, an issue will be raised which it becomes our fellow-citizens from the slave-holding states to weigh well, before they allow it to be presented.

The readers of the *Commercial* have no need of being informed at this day that we are not abolitionists, in the sense of the term that has become so deservedly odious; that is to say, we have no idea ourselves of interfering, or of encouraging others to interfere, with the rights of the southern states, in regard to those peculiar institutions respecting which they are so sensitive, and the enjoyment of which is guaranteed them by the constitution. Upon this naked question public opinion in the free states is sound—a fact of which the south ought long since to have been satisfied.

But let the people of the south, of all parties, pause before they ask more of us, or push us further. Let them not, because we are ready to support, and even defend them in all the rights secured to them by the constitution, presume further to require that we shall become the advocates of slavery. Let them not require of us to believe in the humanity of slavery, or in its advantages as political economists, or in the righteousness of the traffic in human flesh—in the bodies, if not in the souls of men!

Let the people of the south—let their senators and representatives in congress, beware, we say, of making such an issue with the north. And we now call upon the senators of the free states as one man—we care not for party upon this question—at once to take ground upon this issue, if presented. We call upon the senators of Massachusetts, Vermont, Maine, Connecticut, Rhode Island, New York, New Jersey—to meet the question, if presented, in the case of Edward Everett: and, should he be rejected upon the ground indicated, by an unballowed union between the

whig senators of the south and the opposition—let the whig senators from the north see to it that no foreign minister be appointed who is a slaveholder! God forbid that such an issue should be presented; but, if forced upon us, we trust it will be met as FREEMEN ought to meet it.

Extract of a letter from a late member of the Massachusetts legislature to Joseph Sturge, dated 8th month 26th, 1841.

"The Tyler administration is more against us than Van Buren's. He was under slavery influence; Tyler is slavery itself. Edward Everett, late governor of Massachusetts, and, until within the last three years strongly pro-slavery, has been nominated to the office of minister to England, but has not been confirmed by the senate, on the ground that he is too much of an abolitionist to visit St. James's. Two letters which he wrote to abolitionists previously to his election as governor of Massachusetts are brought up against him. Several other nominations have been, for the same reason, laid on the table of the senate. One instance of the all-pervading espionage of the slave power I may mention. The newly appointed post-master of Philadelphia employed, among his numerous clerks and letter carriers, Joshua Coffin, who, some three years ago, aided in restoring to liberty a free coloured citizen of New York, who had been kidnapped and sold into slavery. The appointment of the post-master not being confirmed, he wrote to his friends in congress to inquire the reason, and was told that the delay was occasioned by the fact that he had employed Coffin as one of his letter carriers! Coffin was immediately dismissed, and the senate in a few days confirmed the appointment! Is not this a pitiful business? All this confirms me in the opinion that this cause must be decided at the ballot-box. Mere moral suasion is wasted upon men who wield the declaration of independence in one hand, and the slave-whip in the other.

"You must push the East Indian emancipation. This will show to the most sceptical that you are in earnest. Our slavery statesmen are watching you with intense interest. Every movement of the British and Foreign Anti-slavery Committee is carefully noted, and commented upon. I feel anxious about Cuba and Brazil. Nothing has given more apparent alarm to the south than the movement in Cuba."

TO CORRESPONDENTS.

We have in type another and a most important letter from Mr. Pilkington, on Slavery in Brazil; but the importunity of more pressing matter has compelled us, very reluctantly, to defer it till our next.

Subscriptions and Donations to the British and Foreign Anti-Slavery Society may be forwarded to the Treasurer (G. W. Alexander, Esq.), at the Society's Office, 27, New Broad Street, London.

Communications for the Editor of the *Anti-Slavery Reporter* also should be sent to the Office of the Society, as above.

Anti-Slavery Reporter.

LONDON, SEPTEMBER 22ND.

We insert at the last moment a Memorial which has this day been presented by a deputation of the Anti-slavery Committee to Sir Robert Peel. It will be seen that it relates to the deeply important subject of slavery in British India.

Memorial of the Committee of the British and Foreign Anti-Slavery Society, addressed to the Right Honourable Sir Robert Peel, Bart., Her Majesty's First Lord of the Treasury, &c. &c.

In calling your serious and deliberate attention, Sir Robert, to the question of slavery in British India, and to the duty of its immediate and entire abolition, your memorialists need scarcely observe, that, in the prosecution of that great object, they are influenced by no party or sectarian feelings, but solely by an earnest and sincere desire of relieving a large body of their fellow-men and fellow-subjects from the oppression under which they have so long groaned, and of establishing, in every part of the vast empire of their most gracious Queen, the right of every human being to personal liberty, and to the full and complete protection of the laws.

Constituted as the society which they represent is on the most catholic principles, and designed as it has been in the spirit of christian philanthropy—having for its end the universal abolition of slavery and the slave-trade—and seeking that end by means which are exclusively of a moral, religious, and pacific nature—men of various denominations in religion, and of all parties in politics, unite in its cordial support; and this fact, Sir, they offer as the proof of their sincerity, and regard as the pledge of their ultimate success.

If, Sir, on the general principles of christian duty it is obligatory on your memorialists, and on all men, to relieve the oppressed and to lessen the sum of human misery and degradation, wherever their influence may extend, and, as they have opportunity, to advance the sacred cause of freedom throughout the world, it is still more imperative on them to do so, when these objects are more immediately within their reach, and the means of effecting them are placed, providentially, at their disposal. It is an indisputable fact, that slavery exists in British India to an enormous extent. Various as may have been the causes in which it originated, it resolves itself principally into two forms, predial and domestic; the bondage of the Nautch, or dancing girls, prostitutes, and attendants on the obscene orgies of the Hindoo temples, being the exception.

With respect to predial slavery, it exists in all the presidencies; but to the greatest extent, and in its most atrocious form, in the western peninsula of India. In all cases the slaves are regarded, not as *adscripti glebe*, but as the absolute property of their masters, and can be sold and separated as their caprice may determine, or

their necessities may require. On the concurrent testimony of military men and civil functionaries of high character and standing in the East India Company's service, and of clergymen of different religious bodies long resident in the east, your memorialists venture to assert their wretchedness and degradation to be complete. The lives of this class of slaves are, for the most part, made up of toil, privation, and punishment; yet it is not so much to the incidents of slavery, fearful as they undoubtedly are, that your memorialists would respectfully claim your attention, as to the institution itself, which is a violation of the fundamental rights of mankind, of the immutable and eternal principles of justice, and of the benign spirit and precepts of the gospel. It is, Sir, as a crime against God that your memorialists denounce it, and seek its speedy and complete overthrow.

Domestic slavery, though less revolting in the case of some of its victims than in that of others, cannot be contemplated, even in its mildest form, by your memorialists, but with feelings of disgust and detestation. Subjected by the law of slavery to the will of their masters, to resist would be fatal to the possession of any privilege which, as favourite slaves, they might be allowed to enjoy. In all cases the power of the master is complete over the persons of female slaves, and the consequence is, that all that is pure in morals and holy in religion is outraged; and that evils are perpetuated at which, to use the language of a learned Indian judge, "humanity shudders, and modesty recedes with blushes." Your memorialists would add, that it is their decided conviction, from the evidence before them, that the condition of the great bulk of domestic slaves is deplorable. The seclusion of the harems and zenanas of Musselman of rank and Hindoos is, they fear, too frequently the cloak of brutal outrage and horrid murders. Decisive evidence is not wanting in proof of this.

It is scarcely necessary for your memorialists to touch upon the situation of the dancing girls, prostitutes, and female attendants on the obscene worship of Hindooism. With but few exceptions, the melancholy history and dreadful fate of these wretched creatures is too well known to need recital. Those who survive the bloom of youth, or are not destroyed when they can no longer minister to the gain of their employers, either become the vilest of slaves, or panders to the most debasing appetites of human nature.

The system of slavery in British India sanctions, fosters, encourages, and perpetuates all this misery, degradation, oppression, and death. It robs vast multitudes of the Queen's subjects of their personal liberty, of their rights as husbands, wives, and children, and of the fruits of their labour and intellect. It reduces beings made in the image of God, and endowed with immortality, below the level of the brutes that perish.

To supply the constantly recurring demand for slaves occasioned by the continual decrease of the slave population, and by other causes, an extensive slave-trade is carried on. Hordes of kidnappers and traffickers in human beings, such as the brinjarries, gosaynes, and meppunna thugs, are continually employed in obtaining children of both sexes to meet the demand. Not content with those they can buy or steal, it is in evidence, that these ferocious people murder the parents for the sake of their children, and find no difficulty in the cities of India in disposing of the youths thus obtained. Your memorialists are aware that the law does not justify this state of things, it furnishes, however, the motive, and is powerless to put it down.

The famines which so frequently desolate British India furnish another source of supply. Under plea of the necessities of parents, the sale of children is permitted and justified; but your memorialists cannot admit on any grounds, political or moral, the sufficiency of the plea, inasmuch as it strikes at the very root of human rights, whether personal or civil. Where famines are clearly the result of providential visitations, public munificence, combined with private benevolence, should be exerted to mitigate, where they cannot fully counteract, their desolating effects. Where these famines may, however, be traced to defective political institutions, oppressive fiscal arrangements, or misgovernment, your memorialists humbly conceive it is the duty of a wise and paternal government to interpose a better order of things, to meet the exigencies of a suffering and oppressed people. Your memorialists cannot contemplate without horror the sale of multitudes of innocent young children annually; within the limits of the British empire, to perpetual slavery; and they strongly feel that the permission of such a practice is not only calculated to relax the bonds of parental and filial love, and to induce the most wretched and deplorable habits among the people, but to reflect indelible disgrace on the authorities who give it their sanction, and the country that will allow it to be done.

Another source of supply is the African slave-trade. Through the Portuguese settlements of Goa, Diu, and Damaon, and through some of the native states on the borders of the Persian Gulf, native Africans are surreptitiously, yet continually introduced into the British territories, and are in great demand, particularly emasculated Abyssinians, who fetch a high price in the market. Nor is the supreme seat of Indian government itself, Calcutta, free from the illicit and detestable traffic; and your memorialists believe it never will be, while the system of slavery is permitted to exist.

Your memorialists do not feel it to be necessary to dwell on the various schemes which have been propounded during the last fifty years, for ameliorating the condition of slaves and mitigating the state of slavery in British India (all of which, however, have

either been neglected, or have signally failed in accomplishing their object); simply because they are convinced, not only that there is no reasonable hope of the abolition of the slave-trade but by the extinction of slavery, but that slavery itself is an evil not to be mitigated, but destroyed. To its utter extirpation throughout the whole of the British dominions they stand solemnly pledged; nor can they swerve from their purpose, nor relax from their efforts, until the great work is accomplished.

This is the case which your memorialists venture, Sir Robert, respectfully to lay before you. It is but the brief and imperfect outline of a mighty subject. In conclusion, they would earnestly implore you, as the head of her Majesty's government, to bring forward a measure for the complete abolition of slavery, in whatever form it may exist, throughout all the territories and dependencies of the British crown; and to declare that, henceforth, the whole of the British empire shall be, not only theoretically but practically, as sacred to freedom as Great Britain itself. To you, Sir, is committed, in great measure, the destiny for weal or woe of millions in British India, who have long been the victims of a ruthless despotism. You, Sir, can break their chains, and cause them, and their posterity after them, to bless you as their deliverer. And, by performing this great act of justice, you will not only advance the honour of your country, perfect in the East the great work of emancipation already consummated in the West Indies, and accelerate the progress of civilization and religion; but you will obtain for yourself the grateful homage of mankind, and the blessing of Him who commands us to "seek judgment, and relieve the oppressed."

Signed by order of the Committee,

London, September,
10th, 1841.

THOMAS CLARKSON,
WILLIAM ALLEN, Chairman.

WE direct attention to the petition of the Committee of the British and Foreign Anti-slavery Society to the House of Lords, which appears in another column. It was presented on Monday evening last, by Lord Brougham, amidst tokens of the deepest attention from his noble auditors, and is adapted to produce a powerful effect, both on that right honourable house, and on the country. The allegations it contains are sufficiently startling; but much more so is the fact that the committee feel themselves warranted in so solemnly making them in the face of the world, and in challenging an inquiry which should have the effect of throwing on themselves the burden of proof. A similar petition was presented a few evenings before to the house of commons by Sir Eardley Wilmot, distinguished, however, by the insertion of a phrase which goes to impute a participation in the slave-trade to some of the members of that honourable house themselves. The mettle of the present parliament, and of sundry English gentlemen and ladies too, will certainly be tried by this petition. We subjoin the account of the proceedings in the House of Lords upon the presentation of it:—

LORD BROUGHAM said, that he had to present a petition of great importance on a subject in which that house had taken very great interest. The petition was from the British and Foreign Anti-Slavery Society, and was signed by the chairman on behalf of the committee of that society, on the subject of the slave-trade. It called the attention of the house to the lamentable fact that British subjects were extensively engaged in, and promoted, the traffic in slaves. He (Lord Brougham) had hoped that British subjects had long since retired from all participation in that trade; but the facts which he had to state would show that British capital and British skill were still engaged in, and seeking profit from, that infernal traffic. Various mining companies were formed in this country, which carried on their operations in Brazil and in Cuba, working their mines by newly imported slaves from Africa, who were illicitly purchased by the agents of these companies, although such agents well knew that the importation of the slaves into these countries was illegal, contraband, and piratical. The law, as applied to British subjects who engaged in the slave-trade, was somewhat different to that which applied to foreigners belonging to countries in which slavery existed. What might be lawful to a foreigner as to the purchasing a newly-imported slave in his own country was one question; but, if he procured or introduced such slave in a British colony, it would be felony. It might be perfectly lawful for a foreigner to possess such a slave in his own country, but if a British subject so participated in the slave-trade, that was to say, by the purchase of a newly imported slave in those foreign countries where it was not illegal, such British subject was liable to be seized and tried in this country, and convicted for engaging in the slave-trade. Three years ago he would have been punished with death, but now he would be liable only to transportation for life, whether such trade in the country in which the act was done were legal or illegal. In the case referred to by the petitioners the only question would be, whether the purchase of slaves newly imported was an act of slave-trading. The petition also stated that officers in the army and navy, and other public functionaries, had accepted employment from these mining companies, and had been engaged in making purchases of newly imported slaves in those countries as agents of these companies. It appeared, also, that large banking companies in this country had established branches in countries where the slave trade was still carried on, and that they lent money, which it was believed was employed in that trade. As far as regarded the establishment of such banks, he did not believe that there was anything illegal in the proceeding. The petitioners also stated that goods were extensively manufactured in this country which were called coast goods, and it was known that they were employed only in the slave trade. He would not say that the mere sale of those goods, out and out, although knowing the illegal use for which they were destined, was a felony; but if, as was stated in the petition, British subjects in the Brazils and Cuba sold such goods, not out and out, but on condition of a price to be paid proportionate to the profits of a slave trading adventure, then such person was guilty of felony. It perhaps could

not be brought home to houses in this country, but he thought that inquiry should be made into the subject. If the practice could be brought home to any parties, he contended that for those acts they could be seized in this country, and tried as felons. The petitioners also stated that it was notorious that fetters and shackles were made in this country, and were part of the exports of our manufactures sent to Brazil and Cuba, to be employed in the slave trade. The petitioners also deeply regretted that British subjects had bought estates in the Brazils which were worked by newly-imported slaves. The petitioners also stated that vessels were built in this country for the purpose of being employed in the slave-trade. Vessels built for this trade could easily be distinguished, from the peculiar manner in which the decks were built, and from the other interior fittings. He had himself reason to believe that a vessel had been built in one of the best harbours of this country for this trade; it was afterwards sent to another place to have its interior fittings put up, and, having procured simulated papers, it sailed to the Havana, from whence it was to be despatched to the coast of Africa for a cargo of slaves. The petitioners prayed the house to extend the provisions of the 5th George IV., called the Slave Trade Consolidation Act of 1824, so as to prohibit all British subjects from holding slaves under any pretence whatever; and they also prayed that their lordships would appoint a committee to inquire into the subject. The latter object he would support. Before sitting down he begged to ask his noble friend, the President of the Board of Trade, whether there would be any objection to lay on the table of the house the report of Dr. Madden, who had been sent to Africa on a mission of inquiry on this subject?

The Earl of Rron had not heard anything relating to the subject. The report alluded to would most likely be made to the Secretary of State, and not to the department over which he had the honour to preside. He would, however, make inquiries into the subject, and would communicate the result to his noble and learned friend. As to the carrying on the slave-trade in the manner described by his noble friend, he could only say that he had never before heard the statements contained in the petition, of British subjects disgracing themselves and the country by engaging in the slave-trade, and he trusted most sincerely that they were untrue.

OUR readers know that the subject of slavery in British India has occupied the constant and most earnest attention of the Committee of the Anti-slavery Society. Deeply have they deplored the obstacles which have from time to time arisen to the adoption of vigorous practical measures. But they hope the period has now come for them. At a special meeting of the committee, on the 17th instant, a series of resolutions were adopted, by which it will be seen, that, in consequence of Dr. Lushington's regretted absence from parliament, the introduction of the subject to the House of Commons, is placed in the hands of Sir Eardley Wilmot. The honourable baronet has already shewn himself worthy of the confidence thus reposed in him, and we have no doubt but he will still more amply justify it by his future exertions. The committee make an earnest appeal for support to the friends of abolition, not only in this country, but in the emancipated colonies, and in BRITISH INDIA. To the last item we are desirous of giving especial emphasis. There must be—there are—many friends of abolition in India. Wherever they are, however obscure, however dispersed, let their voices be heard in prompt and earnest application to the authorities every where, but above all to the British parliament, that this sin and mischief may cease. English abolitionists want and deserve this help. The influences against which they struggle are mighty; and all the co-operation that can be afforded them will not be too much to give effect to their endeavours. The following are the resolutions.

"That, whilst this committee deeply lament that causes should have existed during the last session of parliament, to prevent the subject of slavery in British India from being brought under the serious and deliberate attention of the House of Commons; and whilst they greatly regret the loss of the invaluable assistance of the Right Honourable Dr. Lushington, in the advocacy of the anti-slavery cause in that house; they gladly avail themselves of the aid of Sir Eardley Wilmot, bart., to give notice of a motion thereon, to be brought under the attention of the legislature at the earliest possible period.

"That, believing slavery, however modified or sanctioned, to be a crime against God, and therefore an evil not to be mitigated, but destroyed, the committee would respectfully urge upon Sir Eardley Wilmot the necessity of framing his motion so as to secure its immediate and entire abolition, as most in accordance with christian duty, in harmony with the great work of emancipation accomplished in the West Indies, and in unison with the laws and institutions of Great Britain; and so as to secure to every human being resorting to any part of the territories, dependencies, and possessions under her sway, the unquestionable right of personal liberty, and the complete protection of the laws.

"That the committee, deeply feeling the magnitude and character of the evil to be destroyed, and the mighty influence its abolition must have in hastening the overthrow of slavery and the slave-trade wherever they exist, earnestly entreat the friends of the anti-slavery cause throughout the United Kingdom, the emancipated colonies, and British India, to sustain the efforts of the Committee by petitions to both houses of parliament, and by memorials and addresses to the constituted authorities, seeking its immediate, unqualified, and unconditional overthrow.

(Signed)

"G. W. ALEXANDER, Chairman."

ACCORDING to the announcement made in our last, a special meeting of the Committee of the British and Foreign Anti-slavery Society was held on the 15th instant, to consider of the period of holding the next General Anti-slavery Convention. The

following circular has subsequently been issued, the copiousness of which precludes the necessity of further remark.

British and Foreign Anti-Slavery Society, 27, New Broad Street, London, September 17th, 1841.

SIR,—One of the last acts of the General Anti-slavery Convention, held in London in 1840, was to devolve on the committee of the British and Foreign Anti-Slavery Society the important duty of summoning, at some future period, another assemblage of the friends of humanity, to aid in promoting, by their united counsels and efforts, the universal abolition of slavery and the slave-trade. In accepting the charge confided to them by that large and enlightened body of philanthropists, the committee have felt the weight of responsibility connected with it, and have been anxious to meet it in a spirit becoming the magnitude of the interests involved, and the difficulties to be overcome.

In reviewing the period which has elapsed since the holding of the late Convention, the committee have felt great cause for thankfulness that its labours have already produced the most gratifying effects in different parts of the world, and give promise of yet greater good to come; and they are greatly encouraged by the almost unanimous concurrence of opinion of those who participated in its proceedings, on both sides of the Atlantic, to call another convention at no very distant period of time.

The committee deem it necessary, for the information of their friends generally, to state, that their attention was called some months since to the resolution of the late Convention, which left it "to the discretion of the committee of the British and Foreign Anti-slavery Society to decide, after consulting with the friends of the cause of abolition, the time and place of holding the next convention;" and at the same time it was suggested that it be held in London, at some suitable period in the year 1842. This was the recommendation of several leading abolitionists of this country, and was seconded by the decision of many of the leading anti-slavery friends in the United States. After two or three preliminary meetings for the consideration of the question, a circular was issued on the 11th of June last, and several friends, representing anti-slavery societies in the country, met on the 22nd of the same month, when, after a very serious and deliberate consideration of the correspondence with which the committee had been favoured on the subject, and the interchange of opinion upon it, it was resolved:—"That, the proposal for holding another conference in London in 1842 having been deliberately and harmoniously discussed in its various bearings, it was deemed expedient that its further consideration be postponed to a future meeting;" and a further correspondence with the friends of the cause in the United States was recommended.

In compliance with this decision, the committee communicated with their devoted friend Joseph Sturge, then in the United States, and with the executive committee of the American and Foreign Anti-slavery Society, on the subject. The result is, that the final decision of the period of holding the convention was left in their hands.

The next step of the committee was to issue the circular letter dated the 1st of September; when they were again favoured, on the 15th inst., with the presence and counsels of many friends from the country, and with a considerable correspondence in reply thereto. At this meeting the following resolution was adopted, to which they would respectfully call the serious attention of their friends in all parts of the world:—"That, the committee of the British and Foreign Anti-slavery Society and the friends of the anti-slavery cause present having taken into their consideration the proposition of holding another anti-slavery convention in London, it be called for June, 1843, unless special reasons may be found to exist for holding it at an earlier period; and that notice of the same be given to the public immediately."

It now remains only for the committee to say to their friends, that due notice will be given to them as to the arrangements that may be made for holding the convention. In the meantime they would remind them, that upwards of six millions of their fellow-creatures are held in the new world, by professedly christian powers, in the most abject slavery, whilst, in Africa and the East, millions more sigh "by reason of the bondage" in which they are held; that, to supply the slave-markets of the world, Africa alone is robbed of one thousand of her children daily, who suffer an intensity of misery unequalled in the history of human suffering and crime. Of these two-thirds perish in their original capture, their transit to the coast, and their removal to the distant slave-marts; and the remainder, with their posterity after them, are doomed to perpetual slavery in foreign lands. At this moment it is estimated that twenty thousand of these victims of a merciless cupidity are confined in the holds of slave-ships on the bosom of the Atlantic, subject to the unutterable horrors of the middle passage.

Let christian philanthropists contemplate these appalling facts, and in them behold, not only their own nature outraged and degraded, but the common Father of mankind dishonoured and defied; and, uniting their counsels, their prayers, and their efforts, accelerate the glorious period when oppression shall cease throughout the earth, and the benign spirit of christianity shall link the whole human family in a holy brotherhood of peace and love. I am, sir, yours respectfully,

J. H. TRENGOLD, Secretary.

We briefly adverted in our last to the Second Annual Report of the British and Foreign Anti-slavery Society, which has just issued from the press; but we must be permitted further to draw the attention of all friends of the cause to this important document. It contains, not merely the Report, as read at the public meeting at Exeter Hall, but, in an appendix, a great mass and variety of interesting and important matter. We do not know that we can set this forth better than by placing before our readers the following enumeration of the contents.

No. I.—On Christian Fellowship. Resolutions of Convention, the Wesleyan conference, Congregational Union, Baptist Union, Northern Association, Irish Southern Baptist Association, list of churches who have forwarded resolutions.

No. II.—Address to the Heads of Governments. Report of deputation, replies to addresses.

No. III.—On the suspension of the reports of the Stipendiary Magistrates in Jamaica. Resolutions of committee, letter to Lord John Russell, reply, resolutions at an adjourned meeting.

No. IV.—Emigration. Declaration of committee, handbill.

No. V.—Exportation of Coolies to Mauritius. Deputation and memorial to Lord John Russell, petition to the House of Commons, result.

No. VI.—On British functionaries holding slaves. Memorial of Convention, letter of Thomas Clarkson, reply of Lord Palmerston.

No. VII.—Texas. Deputation and memorial to Lord Palmerston, letter and resolutions of committee, reply, handbill.

No. VIII.—On the proposed scheme of emigration from Sierra Leone. Letter to Lord John Russell, reply, government instructions, alleged purchase of slaves for soldiers by French government, ditto by the Dutch government.

No. IX.—Case of the Amistad. Letter to Lord Palmerston, his Lordship's instructions to resident ministers in Spain and America, correspondence between Mr. Fox and Mr. Forsyth, release of captives.

No. X.—On the condition of the Coloured Population of Upper Canada, &c. &c. Letter to Lord Palmerston, British negroes in foreign slave colonies, on the condition of Africans released from captured slavers, emancipados, libertados.

No. XI.—On the occupation of Crab Island. Letter to Lord Palmerston, reply, note on the same.

No. XII.—Places visited by Deputation.

No. XIII.—On the state of the laws, and the administration of justice in the colonies. Memorial to Lord John Russell.

No. XIV.—On the reduction of the Sugar Duties. Memorial to Lord Melbourne, resolutions of committee, petition to the House of Commons, explanatory statement, petition in favour of free produce, petition on the equalization of the East and West India rum duties.

No. XV.—On British officers acting as agents to slave-holding Mining companies. Memorial to Lord Palmerston, reply.

No. XVI.—Deputations. FRANCE: resolutions of committee, interview with the King of the French, address, statistics of the slave colonies of France. HOLLAND: Mr. Westmaas's address to the King on Surinam, statistics of slave colonies of Holland. SPAIN: report of proceedings in that country.

No. XVII.—Slave-trade. SPANISH COLONIES—Havana, Cuba, Porto Rico, slave population of Cuba and Porto Rico, exports. BRAZIL, Rio de Janeiro, slave population of Brazil, exports.

No. XVIII.—United States. Address to the President, population of the United States, the inter-state slave-trade.

No. XIX.—Addresses. Sir Lionel Smith, Sir John Jeremie, R. R. Madden, Esq., M.D., Sir William Colebrooke.

No. XX.—Brazilian Mines, statistics.

No. XXI.—Slave population under nominally Christian governments North America, South America, West Indies, Africa, Asia, British India, resolution of committee.

No. XXII.—Extent of the Slave-trade. Christian, Mohammedan, African slave-trade since 1808, Sierra Leone.

No. XXIII.—The extent of the Sugar and Coffee trade throughout the world.

Than such a record of highly important facts and correspondence scarcely anything can be more valuable, either for preservation as a reference, or for immediate utility by circulation. We trust our friends will be alive to this subject, and will promote the widest possible diffusion of this document, either by purchase at the small price affixed to it, or, where needful, gratuitously.

We extract the following passage from the *Morning Advertiser* of the 10th instant:—

The question of slavery is likely ere long to be again brought before the public in rather a novel light, certain merchants abroad having considered themselves aggrieved by charges implying their participation in the odious traffic, and having accordingly instituted, as we are informed, legal proceedings against the public organ of the Anti-Slavery Society. It would be indiscreet, perhaps, in us, pending such a state of things, to speculate upon the various bearings of the case, especially as it is said that the Society, with their known energy and activity, have sent out a legal commissioner of considerable talent to sift the matter thoroughly. If the charges should prove unfounded, we have no doubt the Society will be perfectly ready to make the *amenda honorabile*; for we know of no accusation which in this age, of philanthropy and enlightenment, can prove more galling to the right feeling mind, than that of a participation in the accursed trade in human blood. It is, in fact, the "damned spot," which nothing can wipe out. On the other hand, therefore, and by parity of reasoning, supposing the Society substantiate their charges, the finger of scorn and the voice of execration will justly be raised against the delinquent parties; nor will, indeed, we trust, the moral punishment be all. The late Secretary for Foreign Affairs has always manifested praise-worthy vigilance in the repression of the slave-trade, and we have every reason to believe that his lordship forwarded such particular and strict injunctions to her Majesty's cruisers on the African stations, shortly before his secession from office, and in reference more especially to the very case we are alluding to, as, if successfully acted upon, will throw an important light upon it; for since it is a question for all ages, and all people, we can hardly suppose the present government will relax in the humane endeavour to set it at rest. There is another point, however, on which we feel disposed to bring to task the *Anti-slavery Reporter*, and which our readers will best understand by the following extract from yesterday's publication of the Society, in which it is stated:—

"We have received information of the most painful—we might say appalling—character, respecting the participation of British merchants of the highest respectability in the atrocious traffic in the persons of men which desolates the coast of Africa. At the present moment we are not at liberty to make public what we know, but the details cannot long be concealed."

This is a startling announcement; and, although we acquit our contemporary of any design to calumniate, we cannot suppose that the matter will be permitted to drop here. The high character of the British merchant generally entitles him to fair play. "A clear stage," as the saying goes, "and no favour." If there are members of our trading community who have so far tampered with their pecuniary standing—for respectability they certainly can have no claim to—as to be guilty of acts, the details of which alone are styled *appalling*, we see no reason in justice or policy why they should, for one moment be screened, to the prejudice of the body at

large. The Society may possibly be deficient in its proofs; but then it had been wiser to have abstained, for a time at least, from any mention of the circumstances, for we know that the paragraph in question has excited attention in the city, if not some degree of pain.

On the first subject touched in this extract, our friends will for the present content themselves with the information which our contemporary has provided for them. With respect however, to the vessels fitted out in Denmark by Don Jose Santos (the foreign merchant referred to) we find in the city article of the *Times* of the 6th instant a passage which throws considerable light on their character and destination, and a light the more valuable because it comes from an independent and impartial source.

A letter from Hamburg has appeared in one of the Rio papers, informing the readers that a Portuguese house in the former city was entering into a new speculation. A convoy of vessels was to start from Hamburg, to various Portuguese ports on the African coast, completely laden with Manchester and German goods, fitted for those African markets where they were to be distributed. The Brazilian "planters and traders" were told not to lose sight of the expedition. The letter conveying this intelligence to the Brazilian "planters and traders," is dated the 17th of March, and it is a clear hint to the Brazilians to expect a new supply of slaves, since, in any other commodity but human flesh, it is difficult to conceive how a return for the manufactured articles could be made. If it is not too late, the hint may be serviceable, not only to the Brazilian planter, but also to the British cruiser.

As to the extract from our last paper, we are truly happy that it has excited attention in the city, and we should not be sorry that it had given pain, provided it were to the guilty parties. The *Advertiser* does us no more than justice in acquitting us of a design to calumniate; but it is far from the mark in supposing that the Anti-slavery Society may be deficient in its proofs. Nor is it by any means the intention of the committee that the matter shall drop where it is. A reference to the petition within these few days presented to parliament (a copy of which appears in our first page) will shew that they have made the same allegation in the face of the country, and in a manner which renders it impossible for them to recede. If parliament will only grant the inquiry prayed for, proofs of which no use can be made by us now will be readily brought forward.

SINCE our last a strong sensation has been produced in this country by the decision of the Tribunal of Commerce at Hamburg, in the trial of the *Louisa*, captain Boye. We are enabled, by the kindness of a valued correspondent (whose communication was just in type for our last paper, but was most reluctantly deferred through press of matter) to present a copious abstract of the pleadings in this important case, which will be read with great interest. The result, which has been looked for with much anxiety, is well stated in the following extract of a letter from a correspondent of the *Morning Chronicle*.

You have seen the acquittal of the captain of the *Louisa*, in the Hamburg papers. The acquittal is grounded upon the fact of the ship's not being openly fitted out for the slave-trade, while the costs are adjudged against the vessel, on account of the suspicious nature of the coppers and planks, as well as because the captain had notoriously burned two letters, and thrown others, with the papers, overboard. It appears that the vessel could not have been confiscated, even if the captain had been found guilty, from an omission of such a stipulation in the convention, or in the laws issued in consequence of its conclusion at home. The treaty would, therefore, seem to require a speedy revision, as it must either be lame on more points than one, or the justice administered in a German court must halt considerably.

In another column will be found two articles on this subject which have appeared in the *Morning Herald*, from the warlike tone of which, however, we altogether dissent. We shall only say at present that the decision of the Tribunal of Commerce is far from proving the innocence of the *Louisa*. In our minds there is no doubt of her guilt; nor do we think that, even in a court of mixed commission, she would have escaped condemnation. If indeed our treaty with Hamburg for the suppression of the slave-trade be as deficient as now appears, the sooner the defect is rectified the better; more especially as the example of the *Louisa* has already been followed by one other vessel, and is likely to be followed by many more.

We have copied an article from the *London Journal of Commerce*, as another proof that the question of slavery in British India is beginning to attract the attention of the press, both metropolitan and provincial. Our contemporary will allow us to correct one or two errors into which he has fallen, from the perusal of the conflicting statements of the different individuals who have treated of the subject of slavery in our East India possessions. If it be true that prædial slavery assumes its most atrocious form in the western peninsula of India, where it exists to the greatest extent, it is no less true that some of the most brutal cases in the treatment of slaves, both prædial and domestic, are to be found in the records of the Bengal presidency. Mr. Colebrooke, in the passage quoted by our contemporary, referred exclusively to the condition of domestic slaves; and, had it been given at length, it would have been seen that the writer was not insensible "to the miseries incident to the most degraded condition in human society," nor the advocate for its continuance. Though he considered domestic slavery among Hindoos and Mussulmans to be in general mild, he observes, "I should, however, demonstrate only an ill acquaintance with human character, if I affirmed this to prevail universally, without any exception. I cannot doubt," he adds, "that bad temper and disposition sometimes constitute a harsh, severe, and cruel master; nor have I been without occasion

of being convinced that such characters are to be found amongst the owners of slaves." The fact is, that little can be known of the management of domestic slaves, secluded as they are within the precincts of harems and zenanas. It is only when they contrive to escape from their tormentors, or when their murder is accidentally brought to light, that the "gentleness and indulgence" of their treatment become known to the authorities. Mr. Campbell, who was for some time superintendent of the police at Madras, says, that domestic slaves "are too often treated with caprice, and frequently punished with much cruelty;" and he observes that the complaints made to him gave him "an insight into transactions committed in the recesses of the female apartments," which left a strong impression on his mind "of the cruelty and wanton barbarity with which this class of female slaves is subject to be treated: indeed," he adds, "little doubt can be entertained that the seclusion of female slaves in the harems of Mussulmans of rank too often precludes complaint, prevents redress, and cloaks crimes at which Europeans would shudder." The law of slavery, both Hindoo and Mohammedan, gives the owners of female slaves such unlimited power over their persons, that it would amount to a miracle if they were generally well treated. We have no faith in the mildness of Indian slavery, not because we have any disposition to exaggerate its evils; but because slavery, wherever it exists, gives full play to the worst passions and basest appetites of human nature—passions and appetites which it requires, even in a community and country like our own, all the restraints of law and all the influence of religion to curb and subdue.

Whilst our contemporary unites with us in condemnation of the slave-trade as deserving the strongest reprobation, we are sorry to perceive that he does not agree with us in condemning the sale of children by their parents, during the famines which so frequently devastate certain provinces of British India; at least he says "that this is a more delicate subject." We think, however, that, were he to inquire into the subject, he would find that the argument drawn from the prevalence of famine for the continuance of slavery, as a kind of "refuge for the destitute," would afford no support to that atrocious institution. Too frequently is the necessity of parents made the plea for the sale of children, and a pretext for the most inhuman and revolting practices. Where these famines are the result of providential visitations, the hand of public munificence joined with that of private benevolence, should be stretched forth to mitigate them; but where they are clearly to be traced to the folly or wickedness of men, a wise government should interpose for the deliverance of a suffering and oppressed people. In a country like India, rich in the extent and fertility of its soil, and with a paternal government to direct its affairs, an almost boundless prosperity should mark the career of its people, and be productive of the happiest results to the country to whose sway it has been subjected.

One word more, on the means which our contemporary suggests for mitigating, if not removing, the evils complained of. The slave-trade both external and internal, he thinks may be suppressed by "a sweeping admiralty jurisdiction," and "the vigilance of an active police." Never can that gigantic evil be put down by such means. While the market exists it will not want its victims; that is quite clear from the evidence already laid before parliament. You must adopt the other alternative to which he refers; you must at once declare slavery itself to be illegal. This is the true and the only efficient mode of dealing with the evil. Long enough have we tried our experiments upon it, and it has grown under our hands, until its magnitude has become appalling, and its character unendurable. Ought we not now to destroy it root and branch? We cordially unite with our contemporary in the sentiments embodied in the concluding paragraph of his able article.

THE anti-slavery question in the United States has assumed a very interesting and most promising aspect, on occasion of the nomination of Mr. Everett as ambassador to England. Although (as is stated) not an abolitionist, Mr. Everett is not a slave-holder; and he certainly holds opinions much too near abolitionism to be agreeable to southern gentlemen. On this ground opposition has been raised in the senate to his appointment; and, by this measure, the entire north has been aroused to indignant resolution. An extract which we have made from the *New York Journal of Commerce* will show the feeling which has been generated, and the course it is likely to take. It is understood to be the intention of the northern states, that, if Mr. Everett be thrown aside as ambassador to England, he shall be proposed for vice-president of the United States at the next election; and there can be no doubt that the feeling, under which this will be done will secure its accomplishment. This bitter realization of their fetters by the northern states, and their awakening to a determined struggle with the slave-power which has so long ruled the Union, argue well for the anti-slavery cause.

THE *Exit*, a vessel which sailed from Rio on the 15th of July, carried to the United States reports which are thus condensed in the *New York papers*.

The discussions in the legislative body of Brazil appear to be marked with great good sense and much decorum. We were somewhat astonished to find the minister for foreign affairs, in the chamber of deputies, avow that the determination of the government was that the clandestine introduction of slaves should cease, that the laws against the slave-trade should

be strictly enforced, and the treaties with foreign nations on this point be carried into execution. The policy of the government would be, he said, to encourage the emigration of white labourers, and the Brazilian legations in foreign countries had everywhere instructions to do all in their power to promote it. We confess that, when we see the slave-trade abolished in Brazil and Cuba, we shall cease to wonder at anything.

To this remark of the American editor the *London Journal of Commerce* adds the following.

The above-mentioned instructions to the foreign legations regarding emigration are so absolutely vague, and without a tangible security or base, that nothing whatsoever can be expected from them. If Brazil does not take speedy and earnest measures to stop the slave-trade and attract foreign colonists, making, at the same time, the most gigantic efforts at once to overcome the rebellion of Rio Grande, we consider it a doomed land; for a house divided against itself cannot stand.

We have nothing to do with war. But we have as little faith in the anti-slave-trade purposes of the Brazilian government as either of our contemporaries.

By a letter from a valued correspondent in Dublin, we are informed that the subject of slavery in British India has been brought before the inhabitants of that city, at a public meeting recently held at the Royal Exchange, and that a petition to parliament for its abolition was enthusiastically adopted. We learn further, that an address from the people of Ireland to their countrymen and countrywomen in America has been prepared, and is in course of signature, with the view of being sent over when it shall have received 100,000 names. We are happy also to observe, that the Irish papers abound with anti-slavery matter, and that the *Dublin Monitor*, the *Freeman*, the *Register*, the *Nenagh Guardian*, and others are in the field. The *Citizen*, a periodical, has an article on East India Slavery this month. Mr. C. L. Remond, likewise, is pursuing an anti-slavery tour in the south of Ireland, with un-precedented success.

TRIAL OF THE LOUISA.

HAMBURG TRIBUNAL OF COMMERCE, AUGUST 25th and 26th.

On Wednesday, the 25th inst., the case of the *Louisa*, Capt. Boye (captured by H. B. M. sloop, *Grecian*, Capt. Smyth), came on, pursuant to public notice. The court was thronged to excess. On the first day the court sat from 10 A.M. to 5 P.M., and again from 7 to half-past 11; on the second, from 11 A.M. to 6 P.M., and from 8 to half-past 10. Throughout this time the audience followed the proceedings with the most intense interest. A number of sailors attended among the crowd; and, if we may judge from their countenances, we should say that, to a proper detestation of the slave-trade, there was joined a confident expectation that the Hamburg flag could not have so far degraded its hitherto unspotted character as to engage in so heinous a crime.

Dr. AUGUSTUS HEISE opened the case for the prosecution. He appeared for the *fiscalis in civilibus*, from whom the *ex officio* information proceeded. After reciting the general circumstances, which are sufficiently known from the public papers, he adverted to the Accession treaty (signed June 9th, 1837) of the Hans towns to the conventions concluded between England and France (November 30th, 1831, and March 22nd 1835), to the law of June 19th, 1837, for the punishment of the slave-trade, and of June 3rd, 1841, concerning the jurisdiction in such cases. The sixth article of the convention of 1835 contained the following: "Any merchant vessel of either of the two nations, visited and detained in pursuance of the convention of the 30th November, 1831, and of the provisions hereinbefore recited, shall, unless proof be given to the contrary, be held and taken of right to have engaged in the slave-trade, or to have been fitted out for the purposes of such traffic, if any of the particulars hereinafter specified shall be found in her outfit and equipment, or on board of her." Now, of the objects there specified, there were no less than three found on board the *Louisa*. First, there were a number of spare planks. It was true, that the property of those planks was claimed by the passenger, Gonsalvo Penna, and that the captain disclaimed any knowledge of their having been put on board. The captain went so far as to say that even had he known them to have been on board, he should not have considered them objectionable, having before this sailed with double that number of planks on board, without meeting with the least molestation on that account. But the court, upon inspection, would have perceived that those planks corresponded to the description given in the treaty—they were "fit for readily laying a second or moveable deck, or slave-deck"—and that was all the court had to attend to. Secondly, there was "an unreasonable number of water-casks." In excuse of this, the captain alleged that, having been sufficiently warned of the detestable nature of the water at Benguela, he conceived it advisable to provide himself with a more ample supply than he would have done had he been able to take a fresh supply at Benguela, for the continuation of his voyage to the Cape Verd islands. Thirdly, there was a second boiler—for which, in default of a more credible destination, a pretence had been set up that it belonged to one of the passengers, whose constitution (as appeared from the quantity of medicines he carried along with him) was rather sickly, and who made use of the said boiler to keep his person clean. Besides these three points, which, in his opinion, were decisive, there was a variety of circumstantial evidence. Almost the whole of the cargo had been taken out of two Brazil vessels; and the mate of the *Louisa* had stated without hesitation, that probably a cargo of that description might have been considered suspicious, if met with under the Brazilian flag. From the charter-party it appeared that the main object of the expedition was to take that cargo from the other two vessels. The charter-party contained the expression "a lawful cargo," which ill agreed with the great anxiety of the captain (more than once urged in his letters to the owner) to take care that the vessel should be properly insured. The merchant who put on board the greater part of the cargo, Da Costa Aguiar, avowedly had a "place of business" in slaves at Rio. Before his vessel sailed, a water-cask had been removed under very suspicious circumstances. That cask had obviously contained something else besides water; and the passenger

Penna had not scrupled to avow that he supposed it to have contained handcuffs. Some leather whips were also detected on board, which had escaped the attention of the captor at the first search, and which could not be in any way accounted for. When the *Grecian* was in sight, and a visit was expected, several passengers ran on deck with a bag, which one of the sailors (who stated to have recognized Penna) deposed to have contained papers. A piece of iron was put into the bag, when (according to the expression of a passenger) it sank marvellously. It did not sufficiently appear how far the captain was concerned in this transaction. One of the men deposed, that, when the passengers were going to put an iron hook into the bag, the captain told them not to do so, as that hook was good for something else. Of this, however, the captain contended that he did not remember anything. But, on the approach of the *Grecian*, and immediately before the *Louisa* was boarded, the captain took a couple of letters from his trousers, and considered with the mate, Andressen, what was to be done with them. The mate shortly after burnt those letters in the cabin, when the English were already on board. This the captain did not deny; but he affirmed that the letters had been delivered just before he sailed, that he was not aware from whence they came, nor, being sealed, did he know anything of their contents; and he conceived, that as they might possibly contain something objectionable, he had no business to expose himself, merely to oblige the writers of those letters, whose names and persons were perfectly unknown to him. This mass of evidence, he (the prosecutor) considered more than sufficient to prove the legality of the capture. Upon this evidence, too, he had no doubt, the court would think themselves warranted to condemn the vessel and cargo. They had to act as a Court of Admiralty in this instance; and the principles by which they were to be guided (in conformity with the law of June 3rd, 1841) were those of prize law, so far as they were applicable to the subject. They had nothing to do with the criminal part of the business; that would be tried elsewhere (in the superior court). They had merely to pronounce the legal consequence entailed by the civil law upon slaving transactions; and that consequence was confiscation. They had not to attend to the law of pains and penalties of June 19th, 1837; that would be applied in another place; they had to be guided in their decision by the letter and spirit of the treaties. The owner of the vessel was responsible for the act of the captain, so far as the consequences at civil law were concerned, though the criminal law might distinguish (as, in fact, it did distinguish) between the intention of the owner and the act of the captain. In this case the captain alleged that he had been ignorant of the treaty; but that was no difference; it was the business of the owner to take care that the captain should be made acquainted with existing treaties, so far as they might concern the transactions in which he was going to engage. There was, therefore, no hardship in moving the condemnation both of the vessel and cargo; or, even if the court should think fit to acquit the vessel, the confiscation at least of those parts of the cargo which belonged to Da Costa Aguiar, to Gonsalvo Penna, and José Antonio Villar, passengers, and to Joaquin Diaz Padras, of Rio de Janeiro; and, eventually he should move a condemnation of the vessel and cargo, to pay all costs whatever incurred by the capture, the conducting of the *Louisa* to Cuxhaven, and by the present proceedings.

Dr. HECKSCHER rose for the defence of the *Louisa*, Captain Boye. He was fully aware of the great difficulties with which this case was beset on all sides. If any case, it was imperatively necessary to approach this present one with a candid mind. They had to reconcile the emotions of philanthropy and charity to the dictates of unbiased justice; they had strictly to maintain the faith of treaties, and at the same time not to lose sight of what was due to the independence of our flag. He apprehended he should be long in trespassing upon their indulgence, very long; for, first, he had not had time to be brief; and then there was the novelty of the case, which compelled him to travel over a great extent of ground. He found himself completely destitute of the aid of precedents. Domestic precedents there were none, (fortunately he might say); and, as to foreign precedents, he had nothing to do with them; he at once declined attending to them; for this was a German court of justice, and the flag, now for the first time impeached, was a German flag. He should have to read to them a variety of documents; amongst them, the depositions at large of some witnesses; for though they had met in that court to discuss the evidence, the witnesses had, as they were aware, been examined previously by a commission of that court; he was, therefore, deprived of the advantage of producing them in the court; and much of the living, he might say, the dramatic truth, would be lost. He trusted that no one in that room would ask him, whether he intended to defend the slave-trade? He, for one, could only meet that question by another: whether they considered him a hardened villain, or a senseless idiot? He hated and abominated the slave-trade, and (he might confidently say) so did the owner and the captain of the *Louise*. But, if there was anything that he hated and abominated still more, it was slavery. Slavery, the source and seminary of the slave-trade. The friends of emancipation in England appeared to have come to the same conviction, that, so long as slavery itself should not be extinct, all their efforts for putting down the slave-trade would be vain. Dr. HECKSCHER then entered upon the history of the attempts—the fruitless attempts, he was sorry to say—of Great Britain to suppress the slave-trade by means of treaties concluded with other powers. Those treaties had proved a source of endless difficulties. If the question were only of vessels on board of which slaves were actually found, the business would be simple enough. But Great Britain insisted on the "equipment clause" being made part and parcel of the treaties. Now, with the working of that clause the enemies of the slave-trade were no less dissatisfied than its advocates (he would not say, friends, for the slave-trade would not have any friends). The effect of that clause was constantly eluded in the most artful manner, by a variety of schemes. He would quote from a pamphlet, circulated by the Anti-slavery Society, entitled, *The Foreign Slave-trade*, where some of those schemes were detailed. He might also refer to Mr. Turnbull, who, though an advocate for the expediency of the clause (for which he was rather severely taken to task by Mr. McQueen), could not dissemble its inconveniences and want of efficiency. That clause was, in fact, a two-edged sword: too blunt to strike the guilty, and yet much too sharp not to injure the innocent. Though it certainly did very little good, it might very easily do a great deal of harm. When Portugal (although a weak power, and in many ways dependent upon England) could not be brought to conclude a treaty such as England demanded (and indeed England contended, that a deference to her

demands on this point might reasonably have been expected), measures were introduced into parliament for the suppression of the Portuguese slave-trade. There was at that time considerable irritation at what was considered a want of loyalty in the Portuguese authorities. And yet the equipment clause met with a most strenuous opposition. And from what men did it meet with such opposition? He would only name two—Lord Lyndhurst (a man of great learning and mildness of character), and the Duke of Wellington, in whom it had lately been said moral and intellectual greatness were combined, and whoever had read his admirable 'Despatches' would readily join in that sentiment. The Duke opposed the bill in all its stages, entering his protest in the Lords' journals. Let them turn to the United States of America, who had been among the first powers to prohibit the foreign slave-trade, and to stigmatize it as piracy. The late president, Martin Van Buren, had stated his deliberate opinion, in two successive messages to Congress, that that disgraceful trade ought to be put down by the severity of domestic laws, not by the unsafe and dangerous remedy of treaties. For any treaty would be found inefficient and prejudicial, so long as any legitimate trade was still carried on to the Western Coast of Africa. Treaties could only be expected to avail anything, if attended by an interdiction of all trade, even the most harmless, to that coast. Such was the opinion of a statesman whom no one would presume to accuse of any partiality to the slave trade. He next adverted to the accession treaty of the Hans towns, and to the recent law of June 3rd, 1841. In that law the German translation of the treaties was declared to be devoid of authenticity. Now, if it were his intention to cling to points of form, he might remind the court, that no law could be binding upon the citizen unless published in the language of the land, and that, by that declaration, the validity of the treaty as published in 1837 appeared to be, as it were, *retro*—annihilated. But, great as the weight of such an objection would undoubtedly be with an English court of justice, nothing could be farther from his intention than to stick for mere points of form. He was not reduced to such shifts. He would not for one moment insist upon the point; he willingly gave it up altogether, but he could not admit, that the law of June 3rd, 1841 possessed any retro-active power, to prescribe to the court any new principle for the adjudication of this now pending case. Against such an interpretation of that law he must solemnly protest. He should take it for granted that the court were to be guided by the stipulations of the treaty, and he was willing to abide by the legality of English and French originals. They had been told that, under the treaty, the capture and detention of the *Louisa* could not be subject to any doubt. He was of a far different opinion; for he had read the whole of the treaty, and compared it with the facts, which apparently the informant had not done. By the second article of the convention of 1833, the cruisers were obliged to conform strictly to the annexed instructions. Both that convention and the instructions formed an integral part of the accession treaty. But in what manner had Captain Smyth conformed to those instructions? From the documents before the court it did not appear that Captain Smyth had complied with the formalities prescribed for the first visit on board. The first article of the convention distinctly said: "When the commander of the cruiser shall not think proper to take upon himself the carrying in and delivering up the detained vessel, he shall not entrust that duty to an officer below the rank of lieutenant in the navy." But Captain Smyth had entrusted that business to the mate. If the lieutenant of the *Grecian* was actually unwell at the time, why did not the captor apply to the Rio station for a lieutenant? At all events, he had no right, under the treaty, to send a mate. The 4th article of the instructions said, no less distinctly: "No person whatever shall be taken out of the detained vessel, nor shall any part of her cargo be removed from her, until after such vessel shall have been delivered over to the authorities of her own nation." But Captain Smyth had removed one third of the cargo from the *Louisa*, which was afterwards returned. After this, he trusted that the court would receive with the utmost caution the denunciation of any suspicious objects found on board the *Louisa*. He did not mean to throw out a suspicion; but he trusted that, at all events, after this he should hear no more of the leather whips discovered after the search. After the illegal removal of part of the cargo, he could not admit that there was any security for the identity of the original cargo, strong enough to ground any legal presumption upon it. Captain Smyth had also removed some of the men, and taken them on board the *Grecian*, contrary to treaty. Nay more: it appeared that promises had been held out to those men of prize money, and of enlistment in the navy, if they would depose against the captain, who was besides rather unpopular on account of his severity. He did not mean to say that the bait had taken; but this he must say, that this conduct (he considered it of course as theact of persons unauthorized by Captain Smyth)—he must insist upon it, that this conduct was quite sufficient to invalidate any depositions of those men, which might tend to prejudice Captain Boye, or the operations of the vessel. After such flagrant violation of the treaty, after such nullities, they would not be surprised to find, that the "declaration" of the captor was a *memorie justificatif*—an *oratio pro domo*—and not what it professed to be; for, from the French text of the treaty he understood a "declaration" of the captor to be tantamount to a *protes-verbal*. After exposing these illegalities in the conduct of the captor, he would throw more light upon those circumstances by which the capture was attempted to be justified. The informant had entertained them with what he pleased to call legal *indicia*. He (Dr. H.) could not admit the correctness of the phrase. If they would turn to the 6th article, they would find that it specified the grounds of *presuming* that the vessel had been fitted out for the slave-trade. Those presumptions (as, indeed, any presumption whatever) might be invalidated by arguments to the contrary. First, then, he should meet the presumption grounded upon what has been called the "spare planks" on board. Those planks, about which they had heard so much, were the property of one of the passengers. They did not belong to the "outfit or equipment" of the vessel. The mere fact of their having been brought on board without the knowledge of the captain could not prejudice the latter. Whatever might have been the intended use of the planks, that intention was not the captain's. If it were said, that the captain ought to have taken care that no spare planks (being one of the articles specified in the treaty) should be brought on board, he should merely aver, that the captain had been ignorant of the treaty. This would surprise them the less, as he had proved from an official letter of the consul at Rio, that even he, (the consul) was not in possession of the treaty. That gentleman, who was properly the consul of the free city of Bremen, but who, in the absence of the Hamburg consul from Rio, acted as his

substitute, lamented that he had not been fortunate enough to meet with a copy of the accession treaty among the papers of his office. That gentleman had assured Captain Boye, upon application, that his cargo was lawful; and, upon the strength of this his conviction, afterwards very properly addressed a note to the English consul, complaining of the detention of the *Louisa*. But to return to the planks. They had been told that there were twenty-three of them on board. He begged pardon, but he really must flatly contradict this statement. There were only eight planks; seven of them divided into three parts each, and one into two; he said divided; for they were all but separated. Now the boards thus cut, if severed and used singly, were much too thin to serve as a slave-deck. They were of unequal lengths, and therefore unfit to serve any such purpose. They were, finally, far from sufficient, being too few in number. From a careful admeasurement and calculation it appeared, that, if the whole of these boards—or call them planks, though they were not planks—if the whole of them were put together, one by one, 573 square feet of the *Louisa* would still remain uncovered. They were unfit, therefore, and not, as the treaty would have it, fit for laying a second deck, or slave deck. They were any thing rather than fit for aiding a presumption that the *Louisa* had been "fitted out for the purposes of the slave trade." So much for the planks. Next there were the water-casks, of which it was pretended that there were an "unreasonable" number. He did not know what the informant might consider a reasonable allowance. He believed something had been stated concerning the allowance on board an English man-of-war. Now he must say that he could not discover any reason why Hamburg sailors should be reduced to any foreign standard, whatever that might be. Hamburg sailors were used to a liberal supply of water. If the captain were to eke it out grudgingly, why, there would be such discontent that he might have to beware of a mutiny. The Temperance Society might possibly take away the dram (he did not know if they would succeed in doing so—but there was at least the avowed purpose); but England and France surely could not have a wish to deprive the Hamburg sailor of his accustomed very liberal supply of water. Lastly, they had heard a good deal about a supernumerary boiler. To the best of his knowledge, there had not been a second boiler on board. The object mistaken and denounced as such was not a boiler; inasmuch, as from its construction, it could not have been used for the purpose of boiling. If they had called it a brass pan, (instead of a copper boiler) they might have been somewhat nearer the mark. But there was no reason to doubt the statement as to its use, made by the passenger to whom it belonged. At any rate, it did not belong to the equipment; much less would it be made available for presuming, under the 6th article, that the vessel had been fitted out for the slave-trade. But, fortunately, he could produce the *direct testimony of the captor himself*, when he affirmed that the *Louise* had not been destined for the slave-trade. In the declaration of Captain Smyth, as recited by the informant, there was a remarkable passage, which he was sure could not have escaped the attention of the court. Captain Smyth stated, that he did not mean to infer that the *Louisa* had been intended to carry a cargo of slaves. Now that was all that he wanted—all that the court had to attend to. It was true that in the same breath Captain Smyth spoke of "aiding and abetting" the slave trade. If they were to descend to such vague and indefinite charges, there was really no saying where they were to begin, much less where they would end. Fortunately, they had no business to attend to a charge of that nature. The charge of "aiding and abetting" was unknown to the treaty. "Fitted out for the purposes of the slave-trade"—"*armé pour la traite des noirs*"—such was the language of the treaty, not "aiding and abetting." He had said, that he was quite willing to abide by the treaty; and he trusted the court would do so too. Under the treaty, then, the detention was not by any means justified. Having proved this, he would briefly advert to what had been advanced concerning confiscation; though, where there was no guilt, confiscation was of course out of the question. But even if he had not been able to prove the illegality of detention in this case, he apprehended that confiscation would not have been the legal consequence. The 8th article of the convention of 1833 said: "The master, the crew, and the accomplices, as well as the ship and cargo, shall be dealt with conformably to the respective laws of the two countries." Now, at the time of the capture, what was the state of the law concerning the slave trade? There was the treaty, which contained the provision just recited, and no more; and there was the law of June 19, 1837—the law of "pains and penalties," which contained personal punishments, very appropriate to the character of the crime, but which did not say one word as to what was to become of the ship and cargo. If England and France confiscated in such a case, that was no reason why Hamburg should confiscate too, unless under a special domestic law, which at the time did not exist. The law of June 3, 1841, passed after the capture of the *Louise*, and when the trial was expected, could not have any retrospective power. The throwing overboard or burning of papers (about which he had spoken more at large in an earlier part of the defence) even if it were fully proved could not entail confiscation. For, first, none of the ship's papers were missing—every thing of that description was in perfect order—and second, throwing overboard any thing, whatever that might be, even if private letters or mere waste paper, might possibly be considered to erminate a neutral vessel in time of war, but no such maxim could be imposed in the present case, as there was no express prohibition. After a speech of upwards of eight hours (of which the above is but a feeble outline) Dr. Hecksher moved, that the capture be declared null and void, the ship and cargo restored, and damages given for unjust detention.

Dr. MENO POHRS rose for the defendant da Costa Aguiar, and others interested in the cargo. He found himself in a very different position from that of his learned friend who had just sat down. His clients were not Hamburg citizens, but subjects of the Empire of Brazil. The laws of this free city, or treaties concluded by this free city with a third power, could not be binding upon his clients. He trusted that he should not be met by the doctrine, that a Hamburg vessel was part of the Hamburg territory. The futility of that doctrine had long since been exposed, and duly ridiculed, even by such writers as might have been supposed to take up anything favourable to neutral interests, such as Jouffroy, a Prussian writer. But eventually he would make a few observations concerning the illegality of the capture. He must deprecate the application of the principles of prize law, which were enjoined to the court by a law passed after the capture of the *Louisa*. Besides, there was no such thing as a system of prize law. There was avowedly no domestic legislation on the subject. Nor was there any set of doctrines on that head so universally received

that they might be considered common law. There were at most some three or four principles, which might be said to be invested with a sort of common law character. He (Dr. P.) considered himself at liberty whether to submit to those principles or not; but his antagonist had no such choice. The informant having, upon the strength of the law of June 3rd, urged the analogies of prize law, was bound to abide by the same. Now one of those very few principles—a principle, he might say, generally received, and embodied in prize ordinances, and sanctioned by practice ever since the peace of Utrecht—was this, that the captor was forbidden to remove any part of the cargo of the captured vessel. This very principle Captain Smyth had set aside. The supposed “spoliation of papers” had been described as a ground for condemnation. But even Sir William Scott (Lord Stowell) had decided (in the case of the *Rising Sun*, Captain Wilkye) that papers having been thrown overboard was no sufficient ground for condemnation of a captured vessel, if the other circumstances were satisfactorily explained. And he had no doubt that in this case the other circumstances might be so explained. Having gone over much the same ground as the former speaker, the learned gentleman said, he was really surprised to see what insignificant circumstances had been worked up into grounds of suspicion. For instance, the phrase “*facendos licitos*,” in the charter-party. He would call upon Captain Smyth to produce, out of a hundred English charter-parties, only ten which did not contain the phrase ‘a full and convenient cargo of lawful goods,’ or something similar. Would Captain Smyth, in all such cases, comment upon the extraordinary caution, or suspect the parties of a slaving transaction? The fact was that nothing was more common, or could be more harmless than that phrase. But, even if the court should think fit to condemn the vessel, it did not follow that the cargo (for which he appeared) was to share the same fate. Nothing was more generally known, than that the ordinances and principles of the prize law, (and he might refer to that far famed and ancient record, the *Consolato del Mare*, in its 273rd chapter) did carefully distinguish between the character of the vessel, and that of the cargo.

Dr. LOEHR appeared for the passenger Penna. His client, Dr. L. observed, had undoubtedly been subject to the greatest hardship. For four months he had been deprived of his liberty, separated from his friends, removed from his country and from the place of his destination, and detained in a strange land, among persons whose language he could not speak, nor even understand. And for what crime? For that which, even had he been guilty of it, was not a crime by the law of his own country. But, from the very full and elaborate statements of his learned friends (to which he should subjoin such remarks, as appeared to be called for by the position of his client), it appeared, that the vessel was not in any way concerned in a slaving transaction.

Dr. VOIGT followed on the same side, for another part of the cargo. It was true that the English had of late made some attempts at extending the clause of the treaty, and that the practice of their courts appeared rather to favour the attempt. But that could not be any motive for the court to depart from a strict interpretation of the clause. And upon such interpretation the verdict could not be doubtful, since even the captor had anticipated it by the declaration which he had volunteered, and with which he was sure the whole of the evidence fully agreed, that the *Louisa* had not been intended to carry a cargo of slaves, and that, consequently, she had not been fitted out for the slave-trade.

The informant was going to reply, when

Dr. HALLER rose, and said, he had but just been called upon by the mate of the *Grecian* (Mr. Knighton), to whom Captain Smyth had entrusted the conducting of the *Louisa*, to say a few words in vindication of the conduct of the captor, and of his substitute. Though he was not properly authorised to appear for Captain Smyth, (who was absent, and unacquainted with the present proceedings), yet he would be allowed to state the impression of his own mind, which was this, that Captain Smyth had acted, as might be expected of a British officer, with mildness, so long as his duty allowed him, and with severity so far as his duty required it. He would read the instruction addressed by Captain Smyth to the mate, who conducted the vessel to Cuxhaven. From that instruction the court might form an opinion of the character of Captain Smyth, which, to judge from that document, was certainly far from arbitrariness, or lawless and uncalled for severity. Captain Smyth, they were probably aware, was not by any means a novice in the duties entrusted to him; but might claim the merit of having liberated upwards of 1200 slaves. Much had been attempted to be made of the promises held out to the men; but was the court aware, that an English ordinance held out to the men on board a captured vessel, a promise of obtaining their full pay, (else forfeited), and eventually of enlistment in the navy, if they would reveal the truth? And he did not believe that more than this could be proved to have been done. He (Dr. Haller) was not authorized, much less had he any inclination, to insist upon the condemnation of the vessel; but he thought it right to make a few statements, just to show that the grounds upon which the *Louisa* had been detained by Captain Smyth, were not by any means so futile as they had been made to appear. If the planks were rather thinner than usual, (and such was certainly the fact, having been divided into several parts each), it did not follow that they were unfit for laying a slave deck. He had been informed (and perhaps the court were also aware of the circumstance) that such planks used to be laid over the water casks, so that, although too weak to support any great weight by themselves, they had a firm and solid substruction. If they were not sufficient to cover any great extent of ground, he must tell them that the planks used not to be laid close to each other, but with interstices between. Hides were then placed over the planks, to render the layer a little less intolerable. Besides, there was no need of supposing, that the planks were intended to form a slave deck for the *Louisa*; they might have been intended for some smaller vessel. As to the water, he contended, and the experience of the mate, to whom the conducting of the *Louisa* was entrusted, went far to prove, that a considerably smaller supply would have been sufficient for the voyage. Lastly, the apparatus, which he had no objection to call a brass pan, though not intended for boiling, might be well adapted for dressing and stirring the sort of panado—the food of the slave.

Dr. HALLER rose to reply. The unexpected support, for which he was indebted to the last speaker, relieved him of the necessity of replying to many of the statements advanced by the gentlemen who conducted the defence. As to the objections to Captain Smyth's conduct, he should content himself with saying, that if Captain Smyth should really have been guilty of any irregularity, of any “abuse or vexation,” he might no doubt be

made responsible, under the ninth article of the treaty; but that would not affect the legality of the detention, which, he must repeat, (and here he entered upon many of the arguments in detail), was perfectly justified by the treaty stipulations. As to the interpretation of the treaty, he must differ in toto from the views hazarded by the defendants. The punishment of confiscation was implied in the treaty itself; the law of June 3rd, 1841, was but an authentic interpretation of the treaty. If Hamburg had acceded *bona fide* to the Anglo-French conventions, it was a matter which admitted of no doubt, that in such cases confiscation must ensue. If foreigners abused the Hamburg flag for slaving transactions, they were amenable to the penalties, even under the law of June 19th, 1837. He should be the first to protest against soliciting a severe sentence, merely from deference to the supposed wishes or expectations of the great maritime powers. But he would most earnestly call upon the court to weigh the importance, and consider the consequences of this matter, from another point of view. If any act of aiding and abetting the slave-trade were suffered to escape with impunity, was it not to be feared that foreigners, emboldened by the leniency of the court, would attempt to degrade the Hamburg flag, still farther to render it subservient to speculations of a more decided character, and ultimately, even to implicate it in direct participation in the slave-trade?

Dr. HECKSCHER rose to reply in his turn. Although evidently much exhausted, (he said he had scarcely had time to rehearse to himself the objections of his opponents, much less to put his own thoughts in order), he followed the arguments one by one, insisting upon his former statements, and endeavouring to throw new light upon them. He cautioned the court with regard to the consequences of admitting such loose charges. Their verdict would be a precedent for future cases. Let them beware how they dealt with the demand of admitting such an indefinite and undefinable charge as this present one, of “aiding and abetting.” Under the treaty they were not bound to admit it. Much less were they bound to go beyond the treaty. If they did so, their verdict would be tantamount to an interdict against any lawful trade on the coast of Western Africa. There was not a single article shipped to that coast, which could not by possibility be rendered available for the purposes of the slave-trade; for there was nothing that could not be converted into money, to exchange it for a cargo of slaves. As to confiscation, it had been said that his acceptance of the law of June 3rd, 1841, was no better than a satire on the senate, who had proposed that law to the civil assembly. To this he should reply, rather write a satire on the senate (although the court were well aware that he was not the man to do such a thing)—but rather indict a satire on the senate (for that would be forgotten in a day), than admit a doubt of the independence of that court, and the sanctity of public justice.

HOUSE OF COMMONS, September 17th.—Sir E. Wilmot presented a petition from the British and Foreign Anti-slavery Society, complaining of the extent to which the slave-trade was still carried on, supported in a great number of instances by British merchants, shipowners, and by members of that House. The petitioners prayed that measures might be adopted for the effectual suppression of this traffic.

HOUSE OF COMMONS, Sep. 20th. In answer to a question put by Sir E. WILMOT, with reference to the slave-trade,

Viscount PALMERSTON said, that, from official information which he had received, he had reason to suppose that there were six vessels fitting out at Hamburg, for the purpose of being employed upon the coast of Africa in the slave-trade. He could not say whether the information was well founded, or not; but, without implying either opinion, he had thought it to be his duty to communicate the information to the Admiralty, in order that directions might be forthwith given to the cruisers on the coast of Africa, in case the report turned out to be true.

FREE COLOURED PERSONS IN NEW ORLEANS.—Since 1837, no less than one hundred and thirty-five persons of colour have been notified to leave the state by the authorities of the second municipality. During the recent excitement upon the subject, scores of these persons were arrested all over the city, and prompt measures taken to enforce the laws relative to their departure. Our neighbours of the third municipality have reason to be grateful to their vigilant police for ridding their quarter of these dangerous and suspicious people. Let the police continue their exertions for a few months longer, and our community will be saved hereafter from much trouble and anxiety.—*N. O. Bulletin*, August 7th.

BRITISH GUIANA.—Immigrants continue to flow in. Within the week, there have arrived a ship and a brig from Madeira, bringing upwards of 400, besides a schooner from Dominica, and a ship from Barbados.—*Royal Gazette*.

THE SUGAR QUESTION IN BELGIUM.—In Belgium the question of sugar duties divides public attention. The point in dispute is—whether beetroot sugar, which now enjoys protection, should not be subjected to the same duty as foreign sugar. But we cannot see how this would relieve the distress of the refiners in that country, who are represented as being in danger of annihilation. The discussions have brought to light an extraordinary fact. It appears that the experiments of M. Peligot have proved that potatoes contain more saccharine matter than either beet-root or the sugar cane. Millions of kilogrammes are now extracted from them, and sold at a price much below that of other sugar. The product is not quite perfect, not being crystallizable like that made from beet-root or the sugar cane, and therefore it must be mixed with one-third of other sugar for use; but, as the experiments are followed up, it will probably soon be rendered perfect, and in this case it may go far towards superseding the other kinds.

FISCAL RESOURCES OF CUBA.—The revenues of the island of Cuba during the last year exceeded 9,743,000 Spanish dollars, 3,616,000 of which were placed at the disposal of the government of the mother-country, being the surplus revenue after defraying every local charge, support, of the army and navy, &c., besides a considerable number of pensions assigned by this government to various individuals, payable in that island. It is said that another railroad is about to be commenced in this island.

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